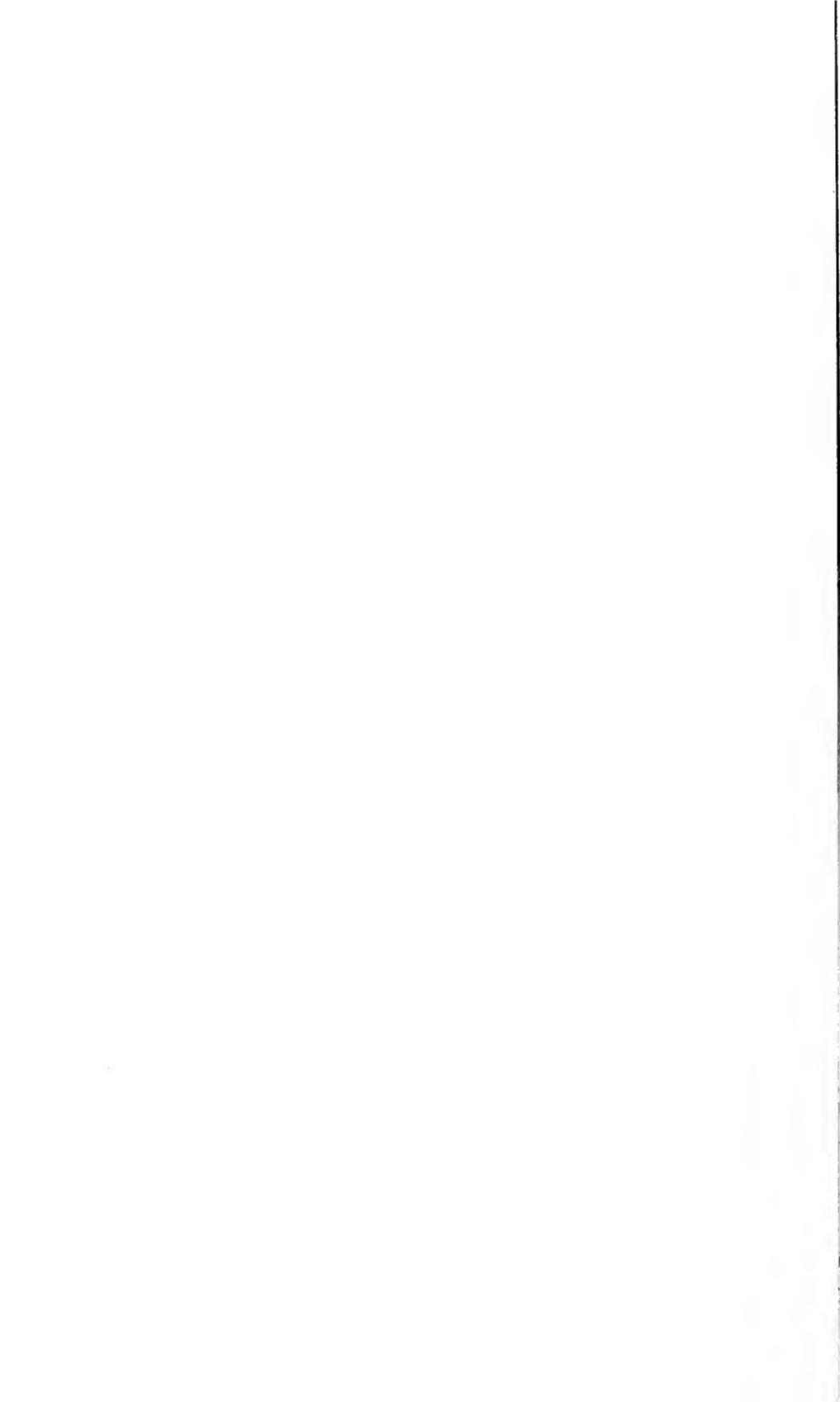
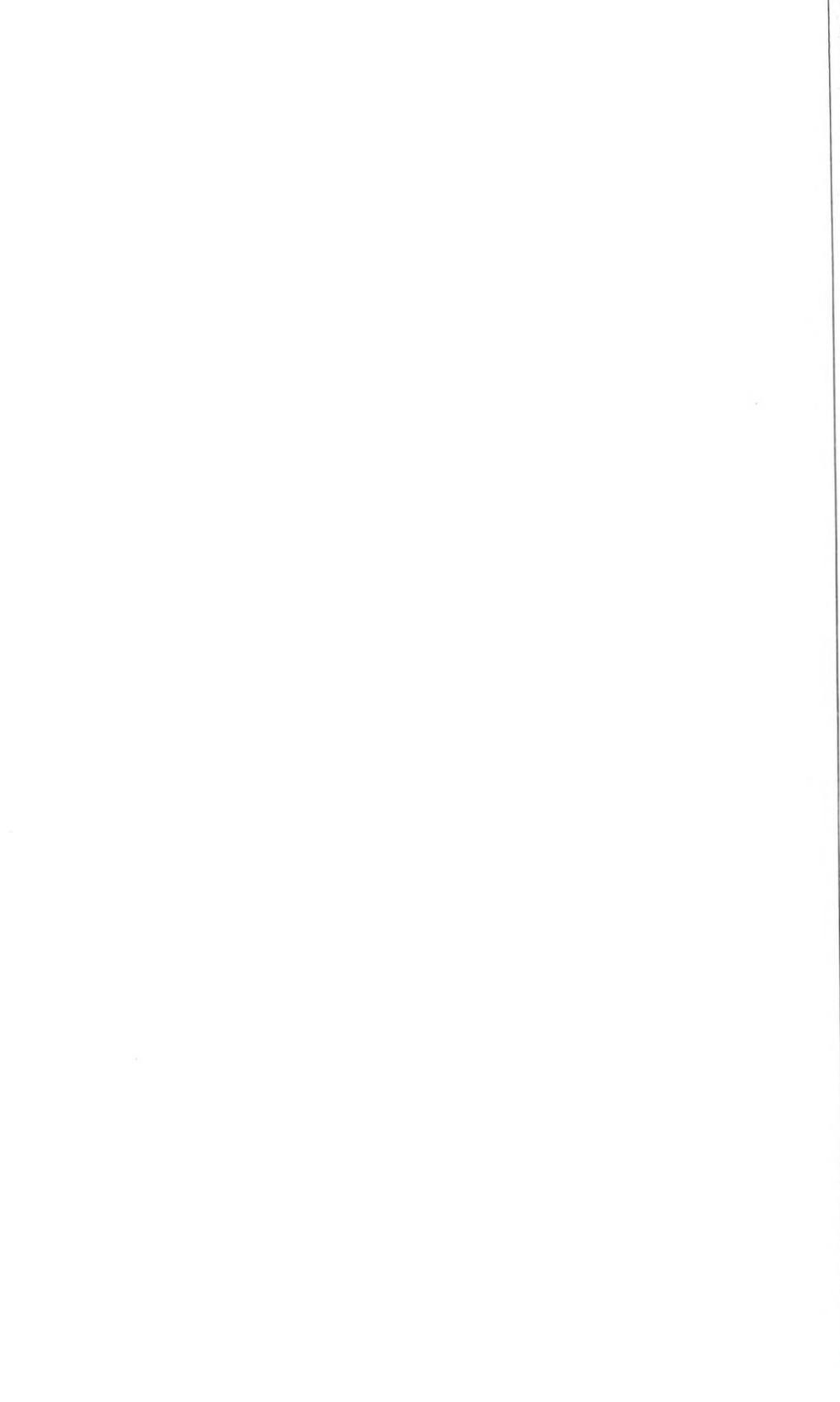


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**INVESTIGATION OF COMMUNIST ACTIVITIES IN THE
LOS ANGELES, CALIF., AREA—PART 7**

**HEARING
BEFORE THE
COMMITTEE ON UN-AMERICAN ACTIVITIES
HOUSE OF REPRESENTATIVES
EIGHTY-FOURTH CONGRESS
SECOND SESSION**

APRIL 16, 1956

Printed for the use of the Committee on Un-American Activities
(Index in Part 10 of This Series)



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COMMITTEE ON UN-AMERICAN ACTIVITIES

UNITED STATES HOUSE OF REPRESENTATIVES

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PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress (1946), chapter 753, 2d session, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

* * * * *
17. Committee on Un-American Activities, to consist of nine members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *
(q) (1) Committee on Un-American Activities.
(A) Un-American Activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

RULES ADOPTED BY THE 84TH CONGRESS

House Resolution 5, January 5, 1955

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress, the following standing committees:

(q) Committee on Un-American Activities, to consist of nine members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

17. Committee on Un-American Activities.

(a) Un-American Activities.

(b) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time, investigations of (1) the extent, character, and objects of un-American propaganda activities in the United States, (2) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (3) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

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INVESTIGATION OF COMMUNIST ACTIVITIES IN THE LOS ANGELES, CALIF., AREA—PART 7

MONDAY, APRIL 16, 1956

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Los Angeles, Calif.
PUBLIC HEARING

A subcommittee of the Committee on Un-American Activities met, pursuant to notice, at 9:30 a. m., in room 518, Federal Building, Los Angeles, Calif., Hon. Morgan M. Moulder (chairman of the subcommittee) presiding.

Committee members present: Representatives Morgan M. Moulder, of Missouri; Clyde Doyle, of California; Donald L. Jackson, of California, and Gordon H. Scherer, of Ohio.

Staff members present: Frank S. Tavener, Jr., counsel; William A. Wheeler and Courtney E. Owens, investigators.

Mr. MOULDER. The committee will come to order.

Let the record show that the Honorable Francis E. Walter, of Pennsylvania, chairman of the Committee on Un-American Activities of the United States House of Representatives, pursuant to the provisions of law establishing this committee, duly appointed Representative Clyde Doyle, of California, Representative Donald L. Jackson, of California, Representative Gordon H. Scherer, of Ohio, and myself, Morgan M. Moulder, of Missouri, chairman, as a subcommittee to conduct hearings beginning in Los Angeles today.

The full membership of the subcommittee is present.

The Congress of the United States has imposed upon this committee the duty of investigating the extent, character, and objects of un-American propaganda activities in the United States, and the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or is of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

This committee has devoted much time in the past years to the investigation of the subject of communism, and the committee has endeavored to keep Congress well informed of the extent and the objects of the Communist conspiracy within this country.

In the performance of this huge task the committee, in its reports to Congress, has made in excess of 40 recommendations for legislation by Congress designed to aid in the fight against this Communist conspiracy, all but a few of which have been enacted into law.

In carrying out the statutory duties imposed upon this committee, the committee proposes to continue its investigation of the extent, character, and objects of Communist activities in this general area and in all other areas to which information developed may lead, as well as to investigate all other questions in relation thereto which would aid Congress in any necessary remedial legislation.

In 1951 the committee began an investigation which resulted in a series of hearings related to the extent, character, and objects of Communist Party activities, of what is known as the northwest section of the Communist Party, in the city of Los Angeles, usually referred to as the Hollywood section of the Communist Party.

This hearing will relate in part to a branch of the Hollywood section of the Communist Party which has not heretofore been the subject of investigation by this committee.

This branch of the Communist Party, the committee is informed, is composed exclusively of musicians. Inquiry will be made as to the activities of the members of this group with special reference to their activities in the Independent Progressive Party, and the significance, if any, that such activities import.

The committee's attention has been drawn to certain public interviews with a former Soviet intelligence officer which indicate a far-reaching knowledge on his part of conditions within the Soviet Union. It is believed that his background and experience has been such that his appearance as a witness should be a valuable aid to the committee in understanding in its proper perspective Communist Party control within the arts as practiced in the Soviet Union.

This witness also will be asked to give the committee his analysis of the present Soviet policy as announced in the 20th Congress of the Soviet Communist Party held in Moscow in February of this year.

Here it should be noted that views of other leading authorities in this field will be the subject of a committee report which is expected to be ready for publication within the next few weeks.

Several groups entirely unfamiliar with the investigative background of this hearing have protested against the holding of this hearing.

In a communication from one of these groups it is stated:

We believe, as you have quite sincerely announced, that the subpoenaing of some 35 local musicians is unrelated to the internal problems of the musicians union. Yet, we believe, the timing of the committee hearing is most unfortunate and certain to create public confusion.

I want to take this opportunity on behalf of the committee to state concretely and with emphasis that this committee is not interested in any dispute between employers and employees or between one union and another union. Neither is it interested in the internal affairs of any union. It is a conclusive negation to the charge that this hearing is being held for the purpose of interfering in the internal affairs of a union that this investigation was begun in June of 1955, that the hearing was set for November of 1955, that because of conflicts in appointments the hearings were continued, and that the present date for the hearing was fixed by the committee at its first session in early January of this year.

The only—and I quote from this communication—"public confusion" which could result is that which certain groups opposed to this

committee seemed determined to create by the unfounded charges they persist in making. And that is the only public confusion that has been created, and that has been created as a result of that.

In the course of this investigation Communist Party activities of other individuals in the field of labor, business, and government have come to the attention of the staff, and will also be the subject of investigation and of this hearing.

The committee took extensive testimony in Chicago during December of 1955, and in the city of Washington in February and March, relating to Communist Party activities of employees in various agencies of the United States Government. During the course of those hearings testimony was received divulging the existence of heretofore undisclosed Communist Party cells which operated in various Government agencies at various locations throughout the country.

There will be heard, before the conclusion of these hearings, certain witnesses whose identity was disclosed during the course of the above hearings.

The committee has received, since its arrival in Los Angeles, additional testimony touching on this subject from which it is apparent additional investigation will be required, and in all probability future hearings will be held in Los Angeles.

It is a standing rule of this committee that any person who is named in the course of the conduct of the hearings of this committee and who is identified or referred to as a member of the Communist Party shall be given an opportunity to appear before this committee if he so desires for the purpose of denying or explaining any testimony adversely affecting him or her.

Should such an occasion arise such an individual concerned should communicate with any member of this committee or any member of the staff.

Those present are reminded that they are guests of the committee as an agency of our Government. A disturbance of any kind or audible comment during the course of the testimony, either favorable or unfavorable to any witness or to the committee, will not be tolerated.

For such infraction of this rule the offender immediately will be asked to leave the hearing room.

Under the rules of the House of Representatives of the United States, televising and broadcasting of all House committee hearings are prohibited. Still photographs are permitted while the witness is not testifying.

I might also announce that the rules of those in control of this building prohibit smoking in the hearing room during the course of the hearings.

Are you ready to proceed, Mr. Tavenner?

Mr. TAVENNER. Yes, sir.

I would like to call Mr. William Don Waddilove.

Will you come forward, please, and occupy the chair on my left.

Mr. MOULDER. Hold up your right hand and be sworn.

Do you solemnly swear the testimony which you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. WADDILOVE. I do.

TESTIMONY OF WILLIAM DON WADDILOVE

Mr. TAVENNER. What is your name, please, sir?

Mr. WADDILOVE. W-a-d-d-i-l-o-v-e.

(Representative Donald L. Jackson left from the hearing room at this point.)

Mr. TAVENNER. Mr. Waddilove, it is noted that you are not accompanied by counsel.

Mr. WADDILOVE. That is correct.

Mr. TAVENNER. It is the practice of the committee to advise all witnesses that they are entitled to counsel if they so desire, and to confer with counsel at any time during their testimony if the witness feels the occasion requires it.

When and where you born, Mr. Waddilove?

Mr. WADDILOVE. Ridgeway, Mo., May 4, 1919.

Mr. TAVENNER. Will you tell the committee, please, what your educational training has been.

Mr. WADDILOVE. Secondary school and 1 year at the University of Missouri.

Mr. TAVENNER. What is your profession or occupation?

Mr. WADDILOVE. I am a musician.

Mr. TAVENNER. Did you practice your profession in Los Angeles between 1947 and 1949?

Mr. WADDILOVE. I did.

Mr. TAVENNER. How long were you engaged in that type of work in Los Angeles?

Mr. WADDILOVE. From 1942 until 1952.

Mr. TAVENNER. During that period of time did you reside in the general area of Los Angeles?

Mr. WADDILOVE. That is correct.

Mr. TAVENNER. Will you tell the committee, please, whether or not you were a member of the Communist Party at any time during that period?

Mr. WADDILOVE. I was.

Mr. TAVENNER. Specifically, during what period of time were you a member of the Communist Party?

Mr. WADDILOVE. The latter half of 1947 and all of 1948.

Mr. TAVENNER. Does that mean you left the Communist Party early in 1949?

Mr. WADDILOVE. That is correct.

Mr. TAVENNER. Will you tell the committee, please, the circumstances under which you became a member of the Communist Party?

(Representative Donald L. Jackson returned to the hearing room at this point.)

Mr. WADDILOVE. Early in 1947 I was engaged in a business venture which was on the verge of failing, and eventually did.

About—I am estimating—April or May of 1947, I was engaged in a discussion group with several people for the purpose of discussing political issues and economic issues in general on a social basis.

At first only general issues were discussed. And this went on for some time, and finally the people revealed themselves as Communists, after a while, after we agreed on the solution of certain issues, and we were told that these issues could only be resolved through working through the Communist Party.

And that roughly are the circumstances surrounding my becoming a member of the Communist Party.

Mr. TAVENNER. If I have understood you correctly, you were engaged in discussion groups with several people regarding political and economic issues?

Mr. WADDILOVE. Correct.

Mr. MOULDER. The committee will recess for 5 minutes.

(Whereupon, a short recess was taken, Representatives Moulder, Doyle, Jackson, and Scherer being present.)

(At the expiration of the recess, the committee was reconvened, Representatives Moulder, Doyle, and Scherer being present.)

Mr. MOULDER. The committee will be in order.

Proceed, Mr. Tavenner.

Mr. TAVENNER. Mr. Waddilove, I understood from your testimony that you had occasion to meet from time to time with a group of people who discussed political and economic issues.

Mr. WADDILOVE. Correct.

Mr. TAVENNER. And that finally during those discussions several persons made themselves known to you as members of the Communist Party; is that correct?

Mr. WADDILOVE. That is correct.

Mr. TAVENNER. And you were advised by them that the only solution to the issues which you had been discussing was through the Communist Party?

Mr. WADDILOVE. That is correct.

Mr. TAVENNER. Who were those individuals identifying themselves to you as members of the Communist Party?

Mr. WADDILOVE. Henry Roth and Sam Albert.

Mr. TAVENNER. Henry Roth, R-o-t-h. And what was the name of the other person?

Mr. WADDILOVE. Sam Albert.

Were those individuals musicians?

(Representative Donald L. Jackson returned to the hearing room at this point.)

Mr. WADDILOVE. Yes.

Mr. TAVENNER. You knew them at that time as being musicians?

Mr. WADDILOVE. Yes.

Mr. TAVENNER. Did they seek your membership in the Communist Party?

Mr. WADDILOVE. Yes.

Mr. TAVENNER. I mean by that, did they ask you to join?

Mr. WADDILOVE. Not in so many words, but it was the whole point of the discussion group.

Mr. TAVENNER. As a result of what occurred and what you have just described, did you become a member of the Communist Party?

Mr. WADDILOVE. I did.

Mr. TAVENNER. Upon joining were you assigned to a group or unit of the Communist Party?

Mr. WADDILOVE. Yes. They were all musicians.

Mr. MOULDER. May I ask one question, Mr. Tavenner?

You say you became a member of the Communist Party. What do you mean? How did you become a member of the Communist Party?

Mr. WADDILOVE. By the members revealing themselves to me and being asked or permitted to attend party meetings.

Mr. JACKSON. Did you pay dues?

Mr. WADDILOVE. Nominal dues, as I recall.

Mr. JACKSON. Were you issued any identification?

Mr. WADDILOVE. No.

Mr. JACKSON. As a member of the Communist Party?

Mr. WADDILOVE. No.

Mr. TAVENNER. How many persons composed the group of the Communist Party with which you affiliated, as nearly as you can now recall? This was in 1947, I believe.

Mr. WADDILOVE. Correct.

I don't know the exact number, but I heard that there were roughly maybe 70 or 75 at one time.

Mr. MOULDER. At the Communist Party meetings?

Mr. TAVENNER. No. He said members of the group. He didn't describe any particular meeting.

Mr. SCHERER. Membership.

Mr. MOULDER. How did you know there were that many?

Mr. WADDILOVE. Well, the figure was mentioned.

Mr. MOULDER. That is the reason I asked the question.

Was it as a result of attending meetings or by examination of some records?

Mr. WADDILOVE. By hearsay.

Mr. TAVENNER. After you became a member of this group, were meetings regularly held or at any stated intervals?

Mr. WADDILOVE. Weekly meetings were scheduled.

Mr. TAVENNER. How frequently were they held, generally?

Mr. WADDILOVE. Weekly.

Mr. TAVENNER. Did you attend the meetings?

Mr. WADDILOVE. Many of them.

Mr. TAVENNER. Did you attend meetings during the entire period of your membership?

Mr. WADDILOVE. Yes.

Mr. TAVENNER. Can you recall how many persons normally attended these meetings?

Mr. WADDILOVE. At one time, maybe 10 or 12.

Mr. TAVENNER. Where were the meetings held?

Mr. WADDILOVE. Various homes, including my own.

Mr. TAVENNER. Can you recall the names of any persons in whose homes these meetings were held?

Mr. WADDILOVE. Yes.

Mr. TAVENNER. I would like you to give the committee that information, please.

Mr. WADDILOVE. The home of Anita Short.

Mr. TAVENNER. Will you spell that last name?

Mr. WADDILOVE. S-h-o-r-t.

Mr. TAVENNER. Short, Anita Short.

Mr. WADDILOVE. George Sandell.

Mr. TAVENNER. Will you spell it, please.

Mr. WADDILOVE. I believe it is S-a-n-d-e-l or two l's. I am not clear.

Cyril Towbin.

Mr. TAVENNER. Is the correct spelling T-o-w-b-i-n or T-o-b-i-n?

Mr. WADDILOVE. I am not sure.

As I recall, there was possibly a meeting at the house of Joe Pass, Sam Fordis. That is, as I recall.

Mr. TAVENNER. What was that last name? I didn't understand.

Mr. WADDILOVE. Fordis.

Mr. TAVENNER Will you spell it, please.

Mr. WADDILOVE. I think it is F-o-r-d-i-s.

Mr. TAVENNER. What was the character of the meetings held in those homes and other homes?

Mr. WADDILOVE. Mainly they were study groups.

Mr. TAVENNER. Did you attend meetings of this group of the Communist Party in homes other than those that you have mentioned?

Mr. WADDILOVE. Yes. I can't recall exactly just whose, but there were more.

Mr. TAVENNER. Will you tell the committee, please, the chief activity of this group of the Communist Party? In other words, during your affiliation with this group, what appeared to be its main objective?

Mr. WADDILOVE. Its main objective during that period was implementing the third party or the Independent Progressive Party, getting it on the ballot in California.

Mr. TAVENNER. Was this matter discussed in those meetings of the Communist Party?

Mr. WADDILOVE. Quite fully.

Mr. TAVENNER. Were there occasions when Communist Party functionaries came to your meeting? That is functionaries on a higher level, and told your membership what it was supposed to do?

Mr. WADDILOVE. Yes. The IPP was the target for 1948. All work was channeled in that direction.

Mr. MOULDER. The IPP. That is the Independent Progressive Party is it not?

Mr. WADDILOVE. Yes.

Mr. TAVENNER. Can you recall at this time the names of any of the Communist Party functionaries who attended the meetings of your group?

Mr. WADDILOVE. The only one I could possibly recall would be Frank Spector. That is the only one I was aware of.

Mr. TAVENNER. Do you know what position he held in the Communist Party at that time?

Mr. WADDILOVE. No; I don't, not exactly.

Mr. TAVENNER. He was not a member of your group of the Communist Party?

Mr. WADDILOVE. No.

Mr. TAVENNER. Can you recall what your group was advised or told to do?

Mr. WADDILOVE. Well, we circulated petitions, securing signatures. That was signatures to get the Independent Progressive Party on the California ballot. And after this was done, why, then we did what we could to promote the Independent Progressive Party, and, in addition, were requested to change our own registration from whatever it was to IPP or Independent Progressive Party.

Mr. TAVENNER. Did you follow the directions you received from the Communist Party in both of those particulars? That is, in changing your registration and also in circulating petitions?

Mr. WADDILOVE. I did both.

Mr. TAVENNER. I hand you a photostatic copy of an affidavit of registration showing your registration as an affiliate of the Independent Party, as it is stated here, under date of February 23, 1948. I have another photostatic copy of an affidavit of registration indicating a change of residence, with registration under the name of the Independent Progressive Party of California, bearing date April 21, 1948.

Will you examine these documents and state whether you recognize them as copies of your registrations? [Documents handed to the witness.]

Mr. WADDILOVE. I would accept it as that.

Mr. TAVENNER. I desire to offer both documents in evidence and ask that they be marked "Waddilove Exhibits Nos. 1 and 2", respectively.

WADDILOVE EXHIBIT NO. 1

STATEMENT OF TRANSFER OR CHANGE OF NAME
 I last registered under the name of *Change of Party* 1745
 I last registered at and removed from *Los Angeles*
 No. _____ Street ORIGINAL

Precinct 1745
 I hereby authorize the cancellation of said registration. LOS ANGELES CITY PRECINCT NO. *1745*

STATE OF CALIFORNIA, } SS.
 COUNTY OF LOS ANGELES, }

The undersigned affiant, being duly sworn, says: I will be at least twenty-one years of age at the time of the next succeeding election, a citizen of the United States ninety days prior thereto, and a resident of the State one year, of the County ninety days, and of the Precinct forty days next preceding such election, and will be an elector of this County at the next succeeding election.

- I have not registered from any other precinct in the State since January 1, 1936.
(If applicant has so previously registered, mark out the word "not" and fill out the appropriate blank at the top of the affidavit.)
- My full name is *William Don Waddilove*
- My residence is *6141 Afton Pl. North* Side
(Including Christian or given name, and middle name or initial, and in the case of women, the prefix Miss or Mrs.)
- Post-office address at *6141 Afton Pl. R.A. 28*
- My occupation is *Musician*
- My height is *6* feet *0* inches.
- I was born in *Missouri*
(State or Country)
- I acquired citizenship by *b* (Underline method of acquiring citizenship.)
a. Naturalization of parent or husband.
b. Father's naturalization.
c. Mother's naturalization.
d. Marriage to a citizen prior to September 22, 1922.
e. Naturalization of my husband prior to September 22, 1922.
f. Act of Congress.
g. By treaty.

(when) _____ (where) _____

My father's mother's husband's name is (was) _____ (To be filled out when citizenship depends on citizenship or naturalization of parent or husband.)

- I can _____ read the Constitution in the English language; I can _____ write my name; I am entitled to vote by reason of having been on October 10, 1911 a doctor. More than sixty years of age.

I can _____ mark my ballot by reason of _____ (State physical disability, if any.)

William Don Waddilove 01
(Address here.)

Subscribed and sworn to before me this 8
 13 day of *February* 1948

M. J. DONOGHUE, Registrar of Voters E 435533

By *Mrs. Esther Roth* Deputy Registrar of Voters

Preceded by.....

Exported by.....

Approved by.....

COMMUNIST ACTIVITIES IN THE LOS ANGELES, CALIF., AREA 3665

WADDILOVE EXHIBIT NO. 2

STATEMENT OF TRANSFER OR CHANGE OF NAME

I last registered under the name of

I last registered at and removed from
No. 6141 Afton Pl StreetX
ORIGINAL

I hereby authorize the cancellation of said registration.

LOS ANGELES CITY PRECINCT NO.

2530

STATE OF CALIFORNIA, } SS.

COUNTY OF LOS ANGELES,

AFFIDAVIT OF REGISTRATION.

The undersigned affiant, being duly sworn, says: I will be at least twenty-one years of age at the time of the next succeeding election, a citizen of the United States ninety days prior thereto, and a resident of the State one year, of the County ninety days, and of the Precinct forty days next preceding such election, and will be an elector of this County at the next succeeding election.

1. I have not registered from any other precinct in the State since January 1, 1936.

(If applicant has so previously registered, mark out the word "not" and fill out the appropriate blanks at the top of this affidavit.)

2. My full name is William J. Roth D. WADDILOVE

(including Christian or given name, and middle name or initial, and in the case of women, the prefix Miss or Mrs.)

3. My residence is 7008 Hazelton Ave East Side

(Name street or road. If remote from both, give Sec., Twp., and Range.)

Precincted by

Approved by

Approved by

between Van Nuys and Sherman Way Streets, Floor, RoomMy mailing address is 7008 Hazelton Ave Van Nuys zone

9. I intend to affiliate at the ensuing primary election with the

4. My occupation is musician and songwriter Progressive party of Californians Party.

(If affiliation not given, write or stamp "Decline to State.")

5. My height is 6 feet - inches.6. I was born in Los Angeles, CA

(State or Country)

(If a native born citizen you need not give question No. 7.)

7. I acquired citizenship by b. Decree of Court

(Underline method of acquiring citizenship)

a. Father's naturalization. c. Other's naturalization.

d. Citizenship of father. e. Citizenship of mother.

f. Marriage to a citizen prior to September 22, 1922.

g. Naturalization of my husband prior to September 22, 1922.

h. Act of Congress. g. By treaty.

BY READING I HAVE CHOSEN AT EITHER THE
LAW OR MIGRATION IN GENERAL ELECTION 1936
BENJAMIN S. HITE, Registrar of Voters

CANCELLED

(when) (when) (Month) (Day) (Year) (where) (where) (City) (State)My father's name is (was) (To be filled out when citizenship depends on citizenship or naturalization of parent or husband.)8. I can read the Constitution in the English language; I can write my name; I am entitled to vote by reason of having been on October 10, 1911 An elector, or More than sixty years of age.I can mark my ballot by reason of (State physical disability, if any.)William J. Waddilove
(Affiant signs here)
7008 Hazelton
(Select Address)OK ✓
E 865418 ✓

Subscribed and sworn to before me this

21 day of April 1945

M. J. DONOGHUE, Registrar of Voters,

By S. J. Bell
Deputy Registrar of Voters.

X

Mr. TAVENNER. Will you examine the signature at the bottom of exhibit No. 1 and state who the registrar is, what name you see signed there?

Mr. WADDILOVE. It is signed Mrs. Esther Roth.

Mr. TAVENNER. In what capacity did she sign that affidavit?

Mr. WADDILOVE. It says Deputy Registrar of Voters.

Mr. TAVENNER. Did you know her as a member of the Communist Party?

Mr. WADDILOVE. Yes.

Mr. TAVENNER. Our investigation has disclosed a petition which shows, at the end of it, a statement that you were the one who circulated it. I hand you a three-page photostatic copy of it and ask you to examine it and state what it is, please.

Mr. WADDILOVE. This is one I circulated in an effort to get the Independent Progressive Party on the ballot in the State of California in 1948.

Mr. TAVENNER. I believe it is dated January 16, 1948.

Mr. WADDILOVE. Yes.

Mr. TAVENNER. I desire to offer the document referred to above in evidence, and ask that it be marked "Waddilove Exhibit No. 3."

Mr. MOULDER. The document so offered by counsel is admitted in evidence. (See p. 3667.)

Mr. TAVENNER. Did other members of the Communist Party group engage in the same type of activities which you described you pursued?

Mr. WADDILOVE. I believe we all did.

Mr. TAVENNER. Were you, on your level in the Communist Party, advised why the Communist Party was taking such an active part in getting the Independent Progressive Party on the ballot in California?

Mr. WADDILOVE. I am not quite sure I know exactly what you mean. However, from an organizational standpoint, I suppose it was logical because of the organization already set up.

Mr. JACKSON. Were you ever told that the Independent Progressive Party offered the best vehicle for the advancement of the program of the Communist Party?

Mr. WADDILOVE. No, not as such.

Mr. SCHERER. What did you understand to be the purpose of the Communist Party in infiltrating the Progressive Party? Why was it done?

Mr. WADDILOVE. I would say, rather than infiltrate, I think it was spearheaded by the Communist Party. I don't think the Progressive Party would have reached a place on the ballot had it not been for the organization of the Communist Party behind it.

Mr. SCHERER. Why did the Communist Party spearhead it?

Mr. WADDILOVE. I am not so certain—

Mr. SCHERER. Did the Communist Party feel that it had more chance of success by using the name Progressive Party rather than Communist Party?

Mr. WADDILOVE. Undoubtedly.

Mr. SCHERER. Was that the reason?

Mr. WADDILOVE. I would say that is a good reason.

Mr. MOULDER. Proceed, Mr. Tavener.

Mr. TAVENNER. You mentioned the name of Frank Spector as a Communist who attended some of your meetings and discussed activities relating to the Independent Progressive Party. Do you know what position, if any, he held in the Independent Progressive Party?

Mr. WADDILOVE. No; I do not.

Mr. DOYLE. A moment ago you said that one of the reasons, in your judgment, that the Communist Party was spearheading the circulation of these petitions to qualify the Independent Progressive Party and to make it a legal party in the State of California, was because you felt the party had more chance of success through the Independent Progressive Party.

Do you remember stating that substantially?

Mr. WADDILOVE. Yes.

INDEPENDENT PROGRESSIVE PARTY OF CALIFORNIA
 PETITION TO
 PARTICIPATE IN THE PRIMARY ELECTION JUNE 1, 1948

LOS ANGELES

Circulated in the County (or City and County) of

STATE OF CALIFORNIA. LOS ANGELES
 County (or City and County) of

TO THE HONORABLE SECRETARY OF STATE OF THE STATE OF CALIFORNIA:

We, the undersigned, registered, qualified electors of the State of California, residents of the County (or City and County) LOS ANGELES of California, present to the Secretary of State of the State of California this Petition and declare that we represent a political party, the name of which is INDEPENDENT PROGRESSIVE PARTY OF CALIFORNIA, which party said electors desire to have participate in the Primary Election to be held on June 1, 1948.

6425

NAME	RESIDENCE		Date of Signing	Printed
	Street and Number	City or Town		
1				
2				
3				
49				
50				

STATE OF CALIFORNIA.
 County (or City and County) of

Los Angeles

ss.

William Don Waddilove

, being first duly sworn, deposes and says:

I am, and during all the time while soliciting signatures as hereinafter set forth was, a qualified and registered elector of the above named County (or City and County) of Los Angeles and of the State of California; I am the person who solicited the signatures to the attached and foregoing Petition; all the signatures to the attached section were made in my presence and upon the date shown after each signature, and at the time each signer signed his name to said Petition he also affixed thereto his residence as above stated, and the date of said signing; and said signatures were solicited

by me within the above named County (or City and County) of Los Angeles; and to the best of my knowledge and belief, each signature to the said section is the genuine signature of the person whose name it purports to be.

William Don Waddilove
 6141 Alton Place
 Los Angeles.

1745

Subscribed and sworn to before me this 1 day of

JAN 1948
 O. D. Muller
 Notary Public in and for the County of

City and County of LOS ANGELES
 State of California.
 My Commission Expires March 19, 1948

- 2 -

W
 Jeff

Mr. DOYLE. Do I understand by that, in your judgment, that the Communist Party, of which you were a member and for which you were circulating the petition to qualify the Independent Progressive Party, was therefore considering the Independent Progressive Party as a front for the Communist Party? Did it go to that extent in your judgment? Is that why you were doing it?

Mr. WADDILOVE. In actuality that is what it was.

Mr. DOYLE. Thank you.

Mr. MOULDER. In order to clarify the record, and probably give you an opportunity to explain your testimony in that respect: Do you mean to infer that all people who signed or whose signatures were secured on the petition to place the Independent Progressive Party on the ballot as a legal party, were Communists?

Mr. WADDILOVE. By no means, by no means.

Mr. TAVENNER. After becoming a member of this group of the Communist Party did you discover that the two persons, whose names you first gave us, were members of the same group?

Mr. WADDILOVE. Yes.

Mr. TAVENNER. What were their names?

Mr. WADDILOVE. Henry Roth and Sam Albert.

Mr. TAVENNER. You have been asked to list as many of the members of your group of the Communist Party as you could recall. Have you done that?

Mr. WADDILOVE. Yes, I have.

Mr. TAVENNER. You have given us the names of those two persons—Roth and Albert—and the names of a number of persons in whose homes this group of the Communist Party met. Now will you give us the names, please, of all of the other persons that you can recall who were known to you to be members of that same group of the Communist Party of which you were a member?

Mr. WADDILOVE. Joe Eger.

Mr. TAVENNER. Due to the difficulty of hearing, I am going to ask you to spell that last name. I couldn't hear it pronounced.

Mr. WADDILOVE. Eger. I believe it is E-g-e-r.

Mr. JACKSON. I believe the name should be spelled against any possible error in identification.

Mr. TAVENNER. Very well.

And you could hear that, Mr. Witness?

Mr. WADDILOVE. Yes.

Mr. JACKSON. Spell the names in all instances.

Mr. TAVANNER. Give us the name again, please.

Mr. WADDILOVE. Joe Eger.

Mr. TAVENNER. Proceed.

Mr. WADDILOVE. Victor Gottlieb.

Mr. JACKSON. Spell the name, please.

Mr. WADDILOVE. I believe it is G-o-t-t-l-i-e-b. Some of these spellings I don't know. I know the names, but I am not sure of the spelling.

Mr. JACKSON. There is no question as to your knowledge of an individual as a member of the Communist Party, although you may not have the precise spelling of the name?

Mr. WADDILOVE. That is right.

Mr. MOULDER. May I ask, Mr. Tavenner, does the staff investigation reveal the correct spelling of the names of the persons the witness is identifying?

Mr. TAVENNER. Yes; it does.

Mr. MOULDER. May I suggest, Mr. Tavenner, that you request the spelling of the name if there is any question about it, and also that you identify the person as carefully as possible so that the person named will not be confused with some other person who might have the same name.

Mr. TAVENNER. Let me ask you again, Were all of these individuals whose names you are now giving us musicians?

Mr. WADDILOVE. Yes.

Mr. TAVENNER. So that would identify them by occupation. If there is any other identifying information you can furnish regarding the individual, I wish you would do so as you give the name.

According to the committee's investigation, the spelling of Gottlieb that you gave is the correct spelling.

Mr. WADDILOVE. Morris Browda. I believe it is B-r-o-w-d-a.

Mr. TAVENNER. The first name is what?

Mr. WADDILOVE. Morris.

Mr. TAVENNER. How do you spell Morris?

Mr. WADDILOVE. M-o-r-r-i-s.

Herb Offener, O-f-f-n-e-r, I believe.

Wayne Ronka. I have it R-o-n-k-a.

Mr. TAVENNER. And the first name. Wayne?

Mr. WADDILOVE. W-a-y-n-e.

Milt Kestenbaum. I have K-e-s-t-e-n-b-a-u-m.

Mr. TAVENNER. What is the first name?

Mr. WADDILOVE. Milt.

Mr. TAVENNER. Do you know whether Milt is an abbreviation for Milton?

Mr. WADDILOVE. Yes.

Rubin Decker, D-e-c-k-e-r.

Mr. TAVENNER. What is the spelling of the first name?

Mr. WADDILOVE. R-u-b-i-n, I believe.

Herb Lessner. Herbert, I guess. L-e-s-s-n-e-r.

Mr. TAVENNER. What is the first name?

Mr. WADDILOVE. Herb.

George Kast, K-a-s-t.

That is about it.

Mr. TAVENNER. Are you acquainted with a musician by the name of Paul Powell?

Mr. WADDILOVE. Oh, yes.

Mr. TAVENNER. P-o-w-e-l-l?

Mr. WADDILOVE. Correct.

Mr. TAVENNER. Now our investigation discloses that there are 2 musicians by the name of Paul Powell, 1 living in Oregon, and the other in Los Angeles. Which Paul Powell is it to whom you refer?

Mr. WADDILOVE. It is probably the one that lives in Los Angeles at the moment.

Mr. JACKSON. Mr. Chairman, as far as I know, he has not identified either one of these persons as members of the Communist Party.

Mr. TAVENNER. Yes. All of these persons were members. He is now identifying persons who were known to him to be members of the Communist Party in his professional group.

I think, for clarity of the record, we should state at this time that as far as the committee knows, the Paul Powell in Oregon is not the one who is a member of the Communist Party; the committee has no knowledge of the Paul Powell in Oregon as having been a member of the Communist Party.

Mr. MOULDER. May I ask to what period of time you are referring when you say that some person is a member of the Communist Party?

Mr. WADDILOVE. I am referring to nothing later than the first or early part of 1949. I would have no knowledge past that point.

Mr. MOULDER. Do you mean since that time? Since 1949?

Mr. WADDILOVE. That is correct.

Mr. MOULDER. Are you identifying those persons as of that year?

Mr. WADDILOVE. As of that year.

Mr. MOULDER. Can you give us specific information as to why you know they were at that time members of the Communist Party?

Mr. WADDILOVE. I attended meetings with them.

Mr. MOULDER. Can you give more specific information as to what the meetings were? Were they Communist Party meetings?

Mr. WADDILOVE. Correct.

Mr. JACKSON. Were they closed meetings of the Communist Party?

Mr. WADDILOVE. Yes.

Mr. JACKSON. Confined strictly to Communist Party members?

Mr. WADDILOVE. Correct.

Mr. TAVENNER. Are you acquainted with a person by the name of Seymour Sheklow?

Mr. WADDILOVE. Yes.

Mr. TAVENNER. Was he a member of your group of the Communist Party?

Mr. WADDILOVE. He was.

Mr. TAVENNER. Did you attend Communist Party meetings with him?

Mr. WADDILOVE. Yes.

Mr. TAVENNER. The spelling of that name is S-e-y-m-o-u-r. The last name is S-h-e-k-l-o-w.

Are you acquainted with a person by the name of Sidney Greene?

Mr. WADDILOVE. Yes.

Mr. TAVENNER. The spelling is S-i-d-n-e-y G-r-e-e-n-e?

Mr. WADDILOVE. Yes.

Mr. TAVENNER. Was Sidney Greene known to you to be a member of the Communist Party?

Mr. WADDILOVE. Yes.

Mr. TAVENNER. And a member of your group of the Communist Party?

Mr. WADDILOVE. Correct.

Mr. TAVENNER. Do I understand that you attended Communist Party meetings with all of these individuals whose names you have given us?

Mr. WADDILOVE. Yes.

Mr. TAVENNER. Will you tell the committee, please, whether or not it was the practice in this group of the Communist Party, with which

you were affiliated, to study Communist Party doctrine and philosophy?

Mr. WADDILOVE. Yes.

Mr. TAVENNER. And literature?

Mr. WADDILOVE. Yes.

Mr. TAVENNER. How was that carried out? How was that instruction given?

Mr. WADDILOVE. From week to week a new topic would be chosen, and the discussion would be held the following week of the material covered.

Mr. TAVENNER. Was the membership furnished with books and other materials on the subjects which you discussed?

Mr. WADDILOVE. They were available. We paid for them.

Mr. TAVENNER. Were those books made available to the membership at the meetings which you have described?

Mr. WADDILOVE. Yes.

Mr. TAVENNER. What proportion of the meetings was usually devoted to the study of Communist Party doctrine and principles?

Mr. WADDILOVE. Anywhere from one-half to one-third possibly.

Mr. TAVENNER. Was that fairly constant during your entire membership from 1947 to the beginning of 1949?

Mr. WADDILOVE. Yes.

Mr. TAVENNER. Do you know why the membership of your group of the Communist Party was composed solely of musicians?

Mr. WADDILOVE. Well, I think that it was probably set up on a trade basis.

Mr. TAVENNER. I suppose it was required that all of these musicians be members of a union in order to work in their occupation?

Mr. WADDILOVE. Basically, yes; to be gainfully employed, yes.

Mr. TAVENNER. During the period of your membership in 1947 and 1948, did your Communist Party group endeavor to interest itself in the election of any particular slate in your union, to act as a unit in doing that?

Mr. WADDILOVE. We sponsored a slate. I believe it was in 1948.

Mr. MOULDER. You say "we sponsored a slate"?

Mr. WADDILOVE. Yes.

Mr. TAVENNER. When you say "we" to whom are you referring?

Mr. WADDILOVE. The Communist Party at that time.

Mr. TAVENNER. Did the Communist Party, in your opinion, succeed in any substantial way to control any of the offices of your local union?

Mr. WADDILOVE. No.

Mr. SCHERER. Was the slate you sponsored comprised of members of the Communist Party?

Mr. WADDILOVE. No. It was people who they thought could, by virtue of their popularity, win the election.

Mr. SCHERER. They weren't necessarily members of the Communist Party?

Mr. WADDILOVE. It was an antiadministration slate rather than pro-anything.

Mr. SCHERER. I didn't get that.

Mr. WADDILOVE. You understand what I mean?

Mr. SCHERER. Antiadministration? Antiunion administration slate?

Mr. WADDILOVE. Yes.

Mr. SCHERER. And they supported the antiadministration faction?

Mr. WADDILOVE. The antiadministration faction; yes.

Mr. TAVENNER. So, regardless in what activities your group of the Communist Party engaged, it was not successful within your local union?

Mr. WADDILOVE. No.

Mr. DOYLE. May I ask a question, Mr. Chairman?

Mr. MOULDER. Mr. Doyle.

Mr. DOYLE. Did I understand from your testimony the fact to be then, that the Communist Party cell, the members of which were also members of the musicians' union, put up a slate which was antiunion?

Mr. WADDILOVE. Not antiunion; no. In other words, it was in opposition to the incumbents. It was not successful.

Mr. DOYLE. Did the Communist Party cell caucus on the slate as to who they would put up?

Mr. WADDILOVE. Not as a cell, I don't believe.

Mr. DOYLE. Was there any endeavor on the part of your Communist Party cell, as a cell, to shape the policies of the union?

Mr. WADDILOVE. It probably had quite a bit to do with the platform.

Mr. DOYLE. It probably had a good deal to do with the platform?

Mr. WADDILOVE. Yes.

Mr. DOYLE. To understand my question, let me ask it this way:

Did the Communist Party cell of which you were a member, within the union, undertake to act in concert and influence the platform of the union as a Communist Party cell, that is, acting as a unit?

Mr. WADDILOVE. Not per se. I mean the whole opposition, again as in the case of the Independent Progressive Party, was not all Communist. It was more or less guided by them, or spearheaded, if you wish, but not in toto.

Mr. DOYLE. I don't quite hear. More or less guided by the Communist Party cell policy. Is that it?

Mr. WADDILOVE. In cooperation with the other people in the same slate.

Mr. DOYLE. Thank you.

Mr. TAVENNER. I understood you to say that you left the Communist Party at the end of 1948 or very early in 1949.

Mr. WADDILOVE. Correct.

Mr. TAVENNER. What was your reason for leaving the Communist Party?

Mr. WADDILOVE. I had several reasons.

The failure of the Independent Progressive Party in 1948 made me see, or led me to believe, that the majority of the American people had rejected it and, therefore, it was not the right thing to do.

And also I was raised in a very religious household.

Mr. TAVENNER. Will you raise your voice please?

Mr. WADDILOVE. It is hard to throw off a religious background and, sooner or later, it crops up, according to the vernacular, and you have to live with it.

The main reason: my main disagreement with the party was objecting—

Mr. TAVENNER. The reporter is having difficulty hearing you. Would you repeat that, please.

Mr. WADDILOVE. If I can.

Mr. TAVENNER. You were speaking of your religious background.

Mr. WADDILOVE. The Communist Party chooses to ignore God in the scheme of things. I don't say they deny God, but they choose to ignore it in the scheme of human events. And that was a basic disagreement as far as I was concerned.

And, thirdly, it isn't pleasant to work, what you might say, underground for any length of time. I mean I like to be able to look people in the eye once in a while. And I was tired of being a fugitive from the human race.

Mr. TAVENNER. In other words, you rebelled at the secret methods used by the Communist Party, as one point?

Mr. WADDILOVE. It finally got to be quite a task; yes.

Mr. DOYLE. Do I understand that you, as a member of the Communist Party in Los Angeles, in 1947, 1948 and 1949—I wish to specify not as a union man—were finding yourself obligated to work in secret and underground? You just used the word "underground."

Mr. WADDILOVE. Well, it was and is very, very unpopular, and you just—I don't know how else to put it, frankly.

Mr. DOYLE. You can't describe it any other way than "underground," if that is what you were required to do. That is where rats and mice hide generally.

Mr. TAVENNER. As a result of your reaction to those matters, what did you do?

Mr. WADDILOVE. I dropped out of the party.

Mr. TAVENNER. Did you give any notice of any kind of your contemplated action?

Mr. WADDILOVE. No.

Mr. TAVENNER. You just quit?

Mr. WADDILOVE. I just dropped out; quit.

Mr. TAVENNER. Was any effort made at any later period to get you back into the Communist Party?

Mr. WADDILOVE. Nothing very serious; no.

Mr. TAVENNER. Have you severed all connections with the Communist Party?

Mr. WADDILOVE. Absolutely.

Mr. TAVENNER. Was the action that you took in 1949 final and complete?

Mr. WADDILOVE. Absolutely.

Mr. TAVENNER. Have you knowledge of Communist Party activities on the part of any of the members of your group since the time you withdrew?

Mr. WADDILOVE. None whatsoever.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. MOULDER. Mr. Doyle, any questions?

Mr. DOYLE. May I inquire on a few points?

I think, Mr. Chairman, my recollection is that in connection with the circulation of petitions, by the Communist Party and others possibly, in Los Angeles County to qualify the Independent Progressive Party as a legal party in my State, there were some 11,000 signatures on the IPP petitions in Los Angeles County.

Did you as one of the circulators, as a Communist, tell any of the people who signed the petition for you that you were a Communist and that your Communist cell was circulating this petition?

Mr. WADDILOVE. No.

Mr. DOYLE. Why not? Why didn't you reveal that it was the Communist Party that was circulating the IPP petition?

Mr. WADDILOVE. That isn't the way it worked. In other words, we were doing it apparently as private citizens.

Mr. DOYLE. In other words, the Communist Party was doing it secretly and as an underground operation. Is that correct?

Mr. WADDILOVE. In essence.

Mr. DOYLE. I think, Mr. Chairman, the record will show that in former hearings in California we have an abundance of testimony under oath by former leaders in the IPP in California who were also top leaders in the Communist Party in California that the Communist Party in California not only circulated these petitions, but they dictated the leadership of the IPP in many, many cases in California during that campaign. I am sure the record will reveal that fact in our previous hearings.

I wish to thank the witness.

Mr. MOULDER. Mr. Jackson.

Mr. JACKSON. Mr. Chairman, I have here a communication allegedly signed by some 22 people who indicate that they are members of Local 47, American Federation of Musicians. I want to ask the witness if he has seen this letter. It constitutes a protest against the hearings of the House Committee on Un-American Activities.

(Document handed to the witness.)

Mr. WADDILOVE. Yes; I saw a copy of it.

Mr. JACKSON. Did you read it?

Mr. WADDILOVE. No.

Mr. JACKSON. It is very difficult for me to believe that this letter, signed by 22 members, constitutes an expression of what I understand is a union membership of 15,000 musicians in this area.

I should like to ask the witness after he reads the letter if he feels, from his own association within the musician's organization, that the letter constitutes a majority opinion?

Mr. WADDILOVE. I would say no.

Mr. JACKSON. Since you received your subpoena to appear before the committee, have you been approached by any person, other than investigators for this committee, relative to your appearance?

Mr. WADDILOVE. No.

Mr. JACKSON. Thank you, Mr. Chairman.

Mr. MOULDER. Mr. Scherer?

Mr. SCHERER. I have no questions.

Mr. MOULDER. Mr. Waddilove, I have 1 or 2 questions to ask you.

First, as to the name of the Communist Party group that you belonged to: What was its name, if it had a name or designation as a group? You have referred to it as a Communist Party group, and I assume that it had some identification other than just a Communist Party group.

Mr. WADDILOVE. I think it was called the Steinmetz Club.

Mr. MOULDER. What?

Mr. WADDILOVE. Steinmetz, as I recall it.

Mr. MOULDER. And, also, according to your information—and I believe you referred to it as hearsay information—that the total membership totaled approximately 70 or 75.

Mr. WADDILOVE. That is what I heard; yes.

Mr. MOULDER. You understood that?

Mr. WADDILOVE. Yes.

Mr. MOULDER. Of that number, how many have you identified during your testimony as having been members of the Communist Party?

Mr. WADDILOVE. Roughly 20.

Mr. MOULDER. You have named 20. I believe I recall your testimony that Mrs. Esther Roth was a member of the Communist Party. Was she a musician?

Mr. WADDILOVE. Yes.

Mr. MOULDER. And also a registrar, or deputy registrar?

Mr. TAVENNER. Deputy registrar of voters.

Mr. WADDILOVE. Yes.

Mr. MOULDER. On what do you base your opinion about her being a member of the Communist Party?

Mr. WADDILOVE. She attended meetings of our group.

Mr. MOULDER. Participated in Communist Party meetings?

Mr. WADDILOVE. Yes.

Mr. MOULDER. As referred to by Mr. Jackson, closed Communist Party meetings?

Mr. WADDILOVE. Yes.

Mr. MOULDER. As I understand your testimony no other person could attend those meetings, unless he was a bona fide member of the Communist Party at that time. Is that correct?

Mr. WADDILOVE. Yes.

Mr. MOULDER. As stated by Mr. Jackson, anyone can become a deputy registrar. It has no official significance other than that every citizen has authority to take a form and have someone else sign it and refer to themselves as being a deputy registrar.

Mr. WADDILOVE. Right.

Mr. MOULDER. Then Mrs. Roth was a musician, instead of a public official. Is that correct?

Mr. WADDILOVE. Oh, yes.

Mr. MOULDER. That is what I understand.

On behalf of the committee, Mr. Waddilove, we wish to express our gratitude and appreciation for your sincere and honest cooperation with this committee in giving your testimony.

You are excused as a witness, and you may claim your witness fees from the deputy clerk who sits just behind you.

The committee will stand in recess for a period of 5 minutes.

(Whereupon, a short recess was taken, Representatives Moulder, Doyle, Jackson, and Scherer being present.)

(At the expiration of the recess the committee was reconvened, Representatives Moulder, Doyle, and Scherer being present.)

Mr. MOULDER. The hearing will be in order, please.

All conversation will cease.

Are you ready to proceed with another witness, Mr. Tavenner?

Mr. TAVENNER. Yes, sir.

Edith Rapport, please come forward.

(Representative Donald L. Jackson returned to the hearing room at this point.)

Mrs. RAPPORT. My attorney is not with me. I am waiting for my attorney.

Mr. MOULDER. The witness will take the witness stand.

The committee will come to order, please.

Are you Mrs. Edith Rapport?

Mrs. RAPPORT. Yes; I am.

Mr. MOULDER. Will you hold up your right hand and be sworn.

Do you solemnly swear that the testimony which you are about to give before the committee will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mrs. RAPPORT. I do.

Mr. MOULDER. The photographers will please be seated.

You may proceed, Mr. Tavenner.

**TESTIMONY OF EDITH RAPPORT (MRS. GEORGE RAPPORT)
ACCOMPANIED BY COUNSEL, DANIEL G. MARSHALL**

Mr. TAVENNER. What is your name, please?

Mrs. RAPPORT. I will have to wait until my attorney is seated.

Mr. TAVENNER. Your attorney is now seated. Will you please state your name?

Mrs. RAPPORT. Edith Rapport.

Mr. TAVENNER. Will you spell your last name, please?

Mrs. RAPPORT. How do you have it spelled?

Mr. TAVENNER. Mr. Chairman, may I ask that the witness be directed to answer the question?

Mr. MOULDER. The witness is directed to answer the question.

Mrs. RAPPORT. It is a waste of time and duplication. However, I will spell it—R-a-p-p-o-r-t.

Mr. MARSHALL. Mr. Moulder, may I address you, please?

I am going to inquire, is any recording being made of these proceedings other than the stenographic reporting of the hearing?

Mr. MOULDER. The committee has no knowledge of any recordings being made of the proceedings.

Mr. MARSHALL. In other words, no tape recording is being made of this hearing. Is that correct?

Mr. MOULDER. That is correct.

Please proceed, Mr. Tavenner.

Mr. TAVENNER. Will counsel who just addressed the chairman please identify himself for the record.

Mr. MARSHALL. Daniel G. Marshall.

Mr. TAVENNER. Are you appearing with the witness?

Mr. MARSHALL. Yes, sir.

Mr. TAVENNER. When and where were you born, Mrs. Rapport?

Mrs. RAPPORT. I was born December 18, and I would rather not tell my age.

Mr. TAVENNER. Mr. Chairman, may I ask that the witness be directed to give the date of her birth.

Mr. MOULDER. The witness is directed to answer the question.

(The witness confers with her counsel.)

Mrs. RAPPORT. In reading some of the other testimony I notice that you gave the actresses or people in the acting profession preferences as to answering their age or telling their age, and I, being a professional person, would rather not disclose my age.

Mr. MOULDER. The Chair will speak for the committee, in stating that the purpose of directing you to answer the question is to inform

you of the dangers which you might be confronted with in connection with being in contempt of Congress, and, in so advising you and directing you to answer the question, it is not in the nature of or spirit of a threat, but for your own interest in order to protect you from such future proceedings in the nature of contempt.

Therefore, the committee directs you to answer the question.

(The witness confers with her counsel.)

Mrs. RAPPORT. Very well, December 18, 1912.

Mr. TAVENNER. Where?

Mrs. RAPPORT. Minsk, Russia.

Mr. TAVENNER. When did you come to this country?

(The witness confers with her counsel.)

Mrs. RAPPORT. I really don't quite remember the date, but I would say approximately 1923 or 1924.

Mr. TAVENNER. Are you a naturalized American citizen?

(The witness confers with her counsel.)

Mrs. RAPPORT. I am a citizen by derivation.

Mr. TAVENNER. Through your mother or your father?

Mrs. RAPPORT. Through my father.

Mr. TAVENNER. What is your father's name?

(The witness confers with her counsel.)

Mrs. RAPPORT. Would you like to drag my father into this, too? You find that it is necessary to drag my entire family into this hearing?

Mr. SCHERER. I ask that the witness be directed to answer the question.

Mr. MOULDER. The witness is directed to answer.

I can see in no manner how that would be a reflection upon your father for you to admit that you are his daughter.

Mrs. RAPPORT. I think anyone who is mentioned by the committee is enough to drag him through the mud.

Mr. JACKSON. As a matter of proper identification, I ask that the witness be directed to answer.

Mrs. RAPPORT. I think I am identified sufficiently.

Mr. MOULDER. The witness is directed—

Mrs. RAPPORT. I assure you that I am the person who has been subpnaed. My name is Edith Rapport. I received your subpna, and I am here.

Mr. SCHERER. I think we have a right to determine whether this person is a naturalized citizen by derivation.

(The witness confers with her counsel.)

Mr. SCHERER. The question, therefore, as to her father's name, is perfectly proper to determine whether or not the citizenship as she indicated is correct.

Mr. MOULDER. For the reasons stated by Mr. Jackson and by Mr. Scherer, you are directed to answer the question.

Mrs. RAPPORT. All right.

My father's name is Max Rubin.

Mr. TAVENNER. When and where was he naturalized?

(The witness confers with her counsel.)

Mrs. RAPPORT. I do not know the exact date, Mr. Tavenner. I think it is in approximately 1927, in New York City.

Mr. TAVENNER. Were you living in New York City at that time?

Mrs. RAPPORT. Yes; I was.

Mr. TAVENNER. When did you come to California to reside?

Mrs. RAPPORT. I was in California twice. Which time are you referring to?

Mr. TAVENNER. Let us begin with the first time.

(The witness confers with her counsel.)

Mrs. RAPPORT. The first time, approximately 1930 or 1929. I can't tell you the exact year.

Mr. TAVENNER. How long did you live in California at that time?

Mrs. RAPPORT. You are making me go back an awfully long time. I don't have that recollection. I believe just a couple of years, approximately.

Mr. TAVENNER. Were you married at the time you came to California in 1929 or 1930?

(The witness confers with her counsel.)

Mrs. RAPPORT. Yes; I was married.

Mr. TAVENNER. Your husband's name is George Rapport?

(The witness confers with her counsel.)

Mrs. RAPPORT. Are you familiar with the rules of procedure that you sent me?

I think this was sent to me by Mr. Wheeler's office, representing this committee. I was asked a question. Will you permit me to finish this question?

Mr. SCHERER. Mr. Chairman, it is obvious that Mr. Tavenner is not asking her to testify against her husband. He wants to know the identity of her husband.

I ask that the witness be directed to answer the question.

Mr. MOULDER. What was the question?

Mrs. RAPPORT. Obviously you can't seem to get together on this, can you?

Mr. MOULDER. We are trying to be very respectful. We will be respectful to you as a witness.

Mrs. RAPPORT. Thank you very kindly.

Mr. MOULDER. I merely asked a question. Because of the sound effects I couldn't understand what it was.

Please repeat the question, Mr. Tavenner.

Mr. TAVENNER. I asked her if her husband's name was George Rapport.

Mr. SCHERER. A perfectly proper question for the purpose of identification. Certainly it is not violating the rules of the committee.

Mrs. RAPPORT. May I read this little Rules of Procedure, this little booklet, as to how a witness should behave? I quote:

The confidential relationship between husband and wife shall be respected, and, for reasons of public policy, one spouse shall not be questioned concerning the activities of the other.

Mr. MOULDER. That is correct.

Mr. TAVENNER. There is nothing confidential about one's marriage.

May I ask she be directed to answer the question.

Mrs. RAPPORT. I will refuse to answer this question on the grounds of the first amendment supplemented by the fifth.

Mr. JACKSON. I ask that a direction be given to the witness to answer as a matter of identification.

Mr. MOULDER. Without objection, the witness is directed to answer the question for the reason given by Mr. Jackson.

(The witness confers with her counsel.)

Mrs. RAPPORT. What was the question, please?

Mr. TAVENNER. Read the question.

(Whereupon, the reporter read from his notes, as follows:)

Your husband's name is George Rapport?

Mrs. RAPPORT. Yes; it is.

Mr. TAVENNER. Was your name Edith Rapport at the time you came to California in 1929 or 1930?

(The witness confers with her counsel.)

Mrs. RAPPORT. Yes; it was.

Mr. TAVENNER. You stated that you lived here about 2 years at that time?

Mrs. RAPPORT. I said approximately. I don't quite remember the date.

Mr. TAVENNER. Did you return to New York from California?

Mrs. RAPPORT. Yes; I did.

Mr. TAVENNER. At the end of that period?

Mrs. RAPPORT. Yes; I did.

Mr. TAVENNER. When did you return to California from New York?

(The witness confers with her counsel.)

Mrs. RAPPORT. I don't have the recollection as to when I returned. I would say approximately between the period of 1934 and 1936, somewhere between there.

Mr. TAVENNER. Somewhere between 1934 and 1936?

Mrs. RAPPORT. That is correct.

Mr. TAVENNER. Where did you live on your return to California in 1934 or 1936?

Mrs. RAPPORT. How do you expect me to remember that?

Mr. SCHERER. If you do not remember, just say you do not remember.

Mrs. RAPPORT. I don't remember.

Mr. TAVENNER. Where do you reside now?

(The witness confers with her counsel.)

Mrs. RAPPORT. I will be very happy to write my address.

Mr. SCHERER. Mr. Chairman, counsel has asked the witness where she resides now. I ask that you direct the witness to answer the question. He did not ask the witness to write her address.

Mrs. RAPPORT. Will you tell me what the pertinency of that is? I think that you have me identified pretty well. I have been served with a subpoena at my home, and you have my address right in front of you. And I feel that the reason I would like to—

Mr. MOULDER. You are so directed, as requested by Mr. Scherer.

Mrs. RAPPORT. 3782 Tracy.

Mr. TAVENNER. How long have you resided there?

Mrs. RAPPORT. A year and a half.

Mr. TAVENNER. How many places have you resided since 1934 or 1936, whichever is the proper date of your return to California?

(The witness confers with her counsel.)

Mrs. RAPPORT. I would like to know what was the purpose of this committee in inviting me at this point, with the threat of arrest unless I appeared. To question me as to where I live and what State I resided? How I traveled? When and where and why?

Mr. SCHERER. Mr. Chairman, I ask that you direct the witness to answer the question.

Mrs. RAPPORT. I claim the privileges under the fifth—the first supplemented by the fifth amendment.

Mr. MOULDER. May I first ask counsel to give us a short explanation of the purpose of that question, as to how many places the witness has resided since the date of her last return and establishment of residence in California.

Mr. TAVENNER. I will be more specific with the witness.

Did you reside at 2706½ Boulder Street on June 9, 1938?

(The witness confers with her counsel.)

Mrs. RAPPORT. I will refuse to answer that question on the basis of the first amendment supplemented by the fifth, of which I am very proud and for which I will fight and protect.

Mr. TAVENNER. Did you reside at 527 North Cummings, Los Angeles, on the 13th day of September, 1940?

Mrs. RAPPORT. I will give you the same answer, Mr. Tavenner, and claim the privilege of the first amendment supplemented by the fifth, which I will fight to protect.

Mr. MOULDER. The witness need not make any comment in that respect. You refuse to answer for the reason just given.

Mrs. RAPPORT. Yes; I do.

Mr. TAVENNER. Are you acquainted with a person by the name of Irene Stark?

(The witness confers with her counsel.)

Mrs. RAPPORT. I will decline to answer that on the same grounds as stated before.

Mr. TAVENNER. Have you ever used the name "Irene Stark"?

Mr. RAPPORT. I will decline to answer that on the same grounds, the first and the fifth amendment.

Mr. TAVENNER. Were you given the name Irene Stark as a Communist Party name?

Mrs. RAPPORT. Aren't you getting a little bit sick and tired of asking the same questions?

I decline to answer this question on the same grounds.

Mr. TAVENNER. Was your name changed within the Communist Party on April 23, 1935, from Edith Rubin to Irene Stark?

(The witness confers with her counsel.)

Mrs. RAPPORT. I decline to answer that question on the same grounds, the first and fifth amendment.

Mr. TAVENNER. I hand you a Communist Party membership book No. 73,561, showing the 1937 membership for an individual by the name of Irene Stark, and as having been issued on December 17, 1936, and signed by William Schneiderman.

Will you examine it, please, and state whether or not that was your Communist Party book?

(Document handed to counsel for the witness.)

Mr. MARSHALL. Is there a question pending now?

Mr. MOULDER. Please repeat the question, Mr. Tavenner.

Mr. TAVENNER. Will the reporter read it, please.

(The reporter read from his notes as requested.)

(The witness confers with her counsel.)

Mrs. RAPPORT. I will decline to answer that question. As a matter of fact, my attorney will not even permit me to look at it.

Mr. SCHERER. I ask that the witness be ordered to examine the book as directed by counsel.

Mr. TAVENNER. I return the document to the witness and ask her to examine it, and state whether she had ever seen it before.

(Document again handed to counsel for the witness.)

Mrs. RAPPORT. Is this a new question?

Mr. TAVENNER. You are not examining the document.

Mrs. RAPPORT. I don't know which question—

Mr. MOULDER. The question is asking the witness to examine the book, and state whether or not she had even seen it before?

Mr. TAVENNER. Yes.

Mr. MOULDER. There was another question preceding that which Mr. Scherer requested.

Mr. SCHERER. That was the question that I asked she be directed to answer; namely, she never looked at the book during the time she—

Mr. MOULDER. There is a considerable difference between the two questions in that respect. I believe you should define them.

Mr. TAVENNER. I will withdraw my question.

Mr. MOULDER. We will say that this last question is the one now pending.

Mrs. RAPPORT. I am sorry. Which question was withdrawn?

Mr. MOULDER. You are now requested, in the nature of a question, to examine the document which counsel has referred to as a Communist Party book.

Mrs. RAPPORT. That isn't a question, is it? This is a request or demand.

Mr. MOULDER. It is being handed to you as an exhibit, giving you an opportunity to examine it.

(The witness confers with her counsel.)

Mrs. RAPPORT. Thank you very much, but I don't want the opportunity to examine it.

Mr. MOULDER. What are your reasons for refusing?

Mrs. RAPPORT. I am simply not interested. I think it has nothing to do with what I was called here for. I am a musician—

Mr. MOULDER. It has everything in the world to do with what you are called here for. We ask you to examine the exhibit.

Mrs. RAPPORT. Are you asking me or are you demanding me to examine this?

Mr. MOULDER. We direct you to examine the exhibit which has been handed to you for your examination.

(The witness confers with her counsel.)

Mr. MOULDER. That is in order that you might have a fair opportunity to qualify in making a response to the next question which will be propounded to you.

(The witness confers with her counsel.)

Mrs. RAPPORT. I won't answer any of these questions that have followed this and respecting this document. I still claim the privilege under the first and fifth amendment of the Constitution of the United States.

Mr. SCHERER. May I make this observation, because what happened will not be shown by the record:

Counsel for the witness took the exhibit from the hand of our investigator, and has failed and refused to present it to the witness. In my opinion, he is guilty of contempt.

Mr. MOULDER. Let us proceed.

Mr. MARSHALL. I object to that as an interference with my right to counsel this witness. I am waiting for any lawful order of this committee.

Mr. MOULDER. May I have it? Or will you please hand the Communist Party book to our investigator Mr. Wheeler?

Mr. MARSHALL. Let the record show that I have handed back to Mr. Wheeler the same document which Mr. Wheeler handed to me.

Mr. MOULDER. Very well, Mr. Marshall.

Now will the investigator, Mr. Wheeler hand this 1937 Communist Party membership book which was referred to by counsel over to the witness for the purpose of giving her an opportunity to examine it in order that she might qualify to respond to the next question which will be propounded by counsel.

Mr. SCHERER. Let the record show that counsel prevented his client from accepting the book, took the book in his own hand and threw it back on the table.

I want the record to show that, and, in my opinion, counsel is guilty of contempt.

Mr. MARSHALL. Let the record show that no document will be handed to my client unless it is handed to me first.

Mr. SCHERER. Let the record also show that on two previous occasions this document was handed to counsel and he refused to hand it to his client.

Mr. MARSHALL. Then I returned it to Mr. Wheeler because the chairman told me to return it.

Mr. JACKSON. Regular order, Mr. Chairman.

Mr. MOULDER. Let the record show that the witness refuses to accept the document which has been referred to by our counsel as a Communist Party membership book for examination in order to respond to the next question that will be propounded.

Mr. JACKSON. The record should show the witness has taken the book.

Mr. MARSHALL. Mr. Moulder, you have handed us a document, but, by accepting it, we don't want to vouch for the description you gave it.

Mr. MOULDER. We understand that. Proceed, Mr. Tavenner.

Mr. TAVENNER. Will you open the book and examine it.

Will you permit the witness to examine the contents of the book, Mr. Counsel?

Mr. SCHERER. The record should show that the counsel took the book from the witness before she opened it, and that the witness—

Mr. MOULDER. Now the witness is examining the book. We will have order in the hearing room, please. Let us proceed.

Mr. MARSHALL. I didn't want the record to show the witness has examined the book.

The document was handed.

Mr. TAVENNER. Now that you have finally examined the book, will you tell the committee whether you have ever seen it before?

Mrs. RAPPORT. After all this game back and forth that you seem to be enjoying playing, I will decline to answer that question on the grounds previously stated, the first and supplemented by the fifth amendment.

Mr. TAVENNER. Mr. Chairman, I desire to introduce the document in evidence, ask permission of the committee to have a photostatic copy of it made, using that copy in evidence in lieu of the original and that the document be marked "Rapport Exhibit No. 1?"

Mr. MOULDER. Hearing no objection on the part of any member of the committee, without objection the document referred to by counsel is received and will be marked as "Rapport Exhibit No. 1" It will be admitted in evidence with the understanding that the exhibit can be withdrawn after a photostatic copy has been made and offered in evidence in lieu of the original.

(Rapport exhibit No. 1 follows:)

RAPPORT EXHIBIT NO. 1

Witnessed and found true
Communist Party of the U. S. A.
 (Section of the Communist International)

1937

73561

Membership Book

for

Name

Edith Stark

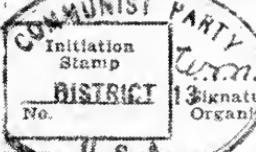
State

Calif. County *L.A.*

City

L.A. Dist. *13* Section *Eastside*This Book was issued on *12.17.36*

(date)



Edith Stark
 Signature of District
 Organizer and Party Seal

No Party Membership Book valid unless it
 has Party Seal stamped on. Issued by the
 Central Committee, C.P.U.S.A.

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Mr. TAVENNER. I now hand to the witness a 1938 Communist Party membership book. No. 58,571 in the name of Edith Rapport, issued December 9, 1937, bearing the signature of Schneiderman. This book shows numerous dues stamps for the month of January through December of 1938, including international solidarity stamps, midyear control stamp. And I ask you to examine it, please, and state whether or not it is your Communist Party book.

(Document handed to counsel for the witness.)

Mr. MOULDER. The record will show that the witness and her counsel have had an opportunity to examine the Communist Party membership book referred to by counsel. Proceed, Mr. Tavenner.

Mr. TAVENNER. I asked the witness whether or not it was her Communist Party book.

Mrs. RAPPORT. I will decline to answer that question on the grounds previously stated.

Mr. TAVENNER. I desire to introduce this second Communist Party membership book in evidence, to be marked "Rapport Exhibit No. 2," with the privilege, as in the other case, of substituting a photostatic copy.

Mr. MOULDER. Without objection, it is so ordered.

Mr. DOYLE. May I ask counsel to identify at this point, the William Schneiderman who signed these two books you have identified as Communist Party membership books.

Mr. TAVENNER. William Schneiderman was secretary of the Communist Party for the State of California.

Mr. DOYLE. Thank you.

Mr. TAVENNER. I now hand you a receipt card, No. 58,571, bearing date of December 9—but the year is not complete—with a signature on it.

(Document handed to counsel for the witness.)

Mr. TAVENNER. May I ask you whether or not the signature Edith Rapport, appearing on that receipt card, is your signature?

(The witness confers with her counsel.)

Mrs. RAPPORT. I don't intend to answer any questions—

Mr. MOULDER. Will you desist a moment, please?

Mrs. RAPPORT. I have been asked a question. Will you let me answer?

Mr. MOULDER. Have you looked at the card referred to by counsel?

RAPPORT EXHIBIT No. 2

Communist Party of the U.S.A.

1938

Membership
Book

No. 58571

Name. Edith Rapport

State. Calif. District.

City. Los Angeles

Section. 1. Unit. 3

This book was issued on Dec. 9, 1938

INITIATOR: S. A. M. SIGNER: Schneiderman

Signature of State or
District Organizer and
Party Seal.

No. 2. Membership Book is valid unless
it has the Party Seal stamped thereon
Issued by the Central Committee, C.P.U.S.A.

COMMUNIST ACTIVITIES IN THE LOS ANGELES, CALIF., AREA 3685

RAPPORT EXHIBIT No. 2.—Continued

1938 Membership Dues

January February March April

DUES

DUES

DUES

DUES

10c

10c

10c

10c

1938 Membership Dues

Internal Solidarity May June Control

Internal Solidarity

May

June

Control

10c

Mrs. RAPPORT. I have no interest in looking at it because the answer is going to be exactly the same as it was. If you keep me here for the next month I will not cooperate with this committee, and I will invoke the same constitutional amendments, Nos. 1 and 5.

Mr. JACKSON. Mr. Chairman, may I make an observation?

Without examining the card, how do you know it is not a receipt for a contribution to the Red Cross?

Mrs. RAPPORT. If you were listening, Mr. Jackson, you would hear that Mr. Tavenner described this document.

Mr. JACKSON. He said there was a signature on there. I am not absolutely certain what it was.

Mrs. RAPPORT. Apparently you are not listening.

Mr. MARSHALL. Let's have the record read.

Mrs. RAPPORT. Will you read the record, please.

Mr. JACKSON. You make it difficult to get any coherent, intelligent idea of what is going on.

Mr. MARSHALL. She is very intelligent about it. You missed the question.

Mrs. RAPPORT. You make it very difficult by asking me to appear here.

Mr. JACKSON. Counsel knows the prerogatives before this committee, and his sole prerogative is to advise his client.

Mr. MARSHALL. That I intend to do.

Mr. JACKSON. That you are going to do, or you are not going to be sitting there very long.

Mrs. RAPPORT. You are not going to threaten me.

Mr. JACKSON. You will sit there as long as you comport yourself in accordance with the rules of this committee, with which rules you are very familiar from prior representation before the committee.

Mr. MARSHALL. And I intend to advise my client.

Mr. JACKSON. Confine your remarks, Mr. Marshall, to your client.

Mr. MARSHALL. You are confused. Lawyers aren't here as a matter of grace; they are here as a matter of right.

Mr. JACKSON. Whatever rights you have here are clearly set forth in the rules of procedure.

Mr. MARSHALL. They are rights; they are not courtesies and privileges of this committee.

Mr. JACKSON. You are here to advise your client; not to carry on any debate with the committee. You know that perfectly well.

Mr. MOULDER. Let's proceed with the hearing.

I wish to say, of course, we realize you are not cooperating with the committee. We are going to have every respect for your appearance here. But, in all fairness to yourself and the committee, you should not refuse to look at the exhibit offered to you and to deny or affirm whether or not it is your signature. That is for the protection of your best interests to do so.

Mrs. RAPPORT. You have not protected my interests by calling me here, by dragging me down here and interfering with my musical profession and with my life. You haven't cooperated with me.

And I don't intend to cooperate with you, and I will stand on the first and fifth amendments.

Mr. MOULDER. First, you haven't seen the exhibit. I will insist that you accept the exhibit and look at it.

Mrs. RAPPORT. All right, I will look at it.

Mr. MOULDER. After having examined the exhibit, may I ask counsel to repeat the question.

Mrs. RAPPORT. You needn't bother. I will not answer that question, and I will stand on the privileges granted to me by the first and fifth amendments of the United States Constitution.

Mr. TAVENNER. Now, that you have finished, let me ask you the question.

Mrs. RAPPORT. You asked me the question.

Mr. TAVENNER. Is that your signature appearing on the card?

Mrs. RAPPORT. I will refuse to answer that question.

Mr. TAVENNER. Why?

Mrs. RAPPORT. On the grounds previously stated, and I do not have to go into any kind of explanations to you.

Mr. MOULDER. You say on the grounds previously stated. You have stated so many grounds, some of them on the constitutional basis.

Mr. TAVENNER. Mr. Chairman, I desire to introduce in evidence the receipt card No. 58,571 and ask that it be marked "Rapport Exhibit No. 3."

Mr. MOULDER. Without objection, it is so ordered.

Mrs. RAPPORT. The first amendment supplemented by the fifth amendment to the Constitution.

Mr. TAVENNER. You have just stated, a moment ago, that you were a member of the musical profession. Have you been a member of the musical profession since 1934 or 1936 when you said you returned to California from New York?

RAPPORT EXHIBIT No. 3

N^o 58571

I have received

MEMBERSHIP BOOK

Communist Party
(Signature)

State. *Calif.* District.....

County. *Los Angeles* City. *Los Angeles*

Section. *LB* Unit. *3*

6-27-9-3
(date)

Be sure to sign and return to the
membership director.

(The witness confers with her counsel.)

Mrs. RAPPORT. What is the pertinency of that question; may I ask?

Mr. TAVENNER. Mr. Chairman, may I ask the witness be directed to answer the question.

Mr. MOULDER. The witness is directed to answer the question.

Certainly it would have no tendency to incriminate you to answer the question as to whether or not you were a member of the musicians union.

Mr. MARSHALL. The musicians union?

Mr. MOULDER. That is the way I understood it.

Counsel, is that the question?

Mr. TAVENNER. I didn't ask about the musicians union.

Mr. MOULDER. I understood you to say that.

Mr. TAVENNER. No, sir. My question was whether or not she was a member of the musical profession from the time she returned here in 1934 or 1936.

Mrs. RAPPORT. I hesitate to answer that question because I know very well what will follow. You are trying to drag and interfere with the life of our union, and, therefore, I am simply not interested in answering that question.

According to this morning's paper—and I would like to—

Mr. TAVENNER. The witness volunteered the information that she was a member of the musical profession. I have merely asked her whether she was a member of that profession in 1934 or 1936. If she ever had any reason for not answering it she has waived it, and I ask that she be directed to answer it.

(The witness confers with her counsel.)

Mr. MOULDER. The witness is directed to answer the question.

(The witness confers with her counsel.)

Mrs. RAPPORT. What year was that?

Mr. TAVENNER. 1934 or 1936 when you said you returned from the city of New York to California.

Mrs. RAPPORT. No; I don't believe I was.

Mr. TAVENNER. When did you begin your professional musical career in California?

(The witness confers with her counsel.)

Mrs. RAPPORT. Approximately 1947 or 1948 or 1949 or thereabouts.

Mr. TAVENNER. I hand you a photostatic copy of an affidavit of registration, bearing date the 18th day of March 1936, and ask you to examine it.

(Document handed to counsel for the witness.)

(The witness confers with her counsel.)

Mrs. RAPPORT. My counsel advises me not to examine this document that was handed to him.

Mr. MOULDER. You are directed to examine the document referred to by counsel which has been presented to you.

Mrs. RAPPORT. Excuse me. I want to put my glasses on. I can't see.

Mr. MOULDER. The witness has examined the document.

Mr. TAVENNER. Will you state to the committee, please, whether or not that is an affidavit of registration signed by you?

Mrs. RAPPORT. I don't have any assurance that this may not be a phony document, and, therefore, I will refuse to identify it or answer

your question on the grounds of the first amendment supplemented by the fifth.

Mr. TAVENNER. If that is her reason for refusing to answer, Mr. Chairman, it certainly could not be a valid reason, and I request that the witness be directed to answer the question.

Mr. MOULDER. It certainly isn't responsive to the question when you identify it as a phony. Therefore, the witness is directed to answer the question.

Mrs. RAPPORT. I decline to answer that question on the grounds of the first amendment supplemented by the fifth.

Mr. TAVENNER. I desire to introduce the document affidavit of registration dated March 18, 1936 in evidence, and ask that it be marked "Rapport Exhibit No. 4."

(This exhibit is similar to Waddilove exhibit No. 7, p. 3664, and will not be reproduced in the printed record. It is on file in the committee's records.)

Mr. MOULDER. Without objection, the request of counsel is granted.

Mr. TAVENNER. I call attention to the fact that this affidavit of registration shows on its face that it was canceled on June 9, 1938.

I now hand the witness a second affidavit of registration bearing date of June 9, 1938, and I will ask the witness to examine it and see whether or not the signature appearing there is her signature, and whether it is her affidavit of registration.

(Document handed to counsel for the witness.)

Mrs. RAPPORT. My counsel advises me not to examine this document.

Mr. MOULDER. The witness is directed to examine the document in order to respond to the question.

The record will show that the witness is now examining the document with counsel.

Now would you repeat the question, Mr. Tavenner.

Mr. TAVENNER. My question is, that after the witness has examined it, whether or not the signature appearing there is her signature and whether it is her affidavit of registration.

Mrs. RAPPORT. I decline to answer that question on the same grounds, the first amendment supplemented by the fifth.

Mr. TAVENNER. May I have it, please.

Mr. CHAIRMAN. I desire to introduce the document in evidence, and ask that it be marked "Rapport Exhibit No. 5."

(This exhibit is similar to Waddilove exhibit No. 1, p. 3664, and will not be reproduced in the printed record. It is on file in the committee's records.)

Mr. MOULDER. Without objection, it is so ordered.

Mr. TAVENNER. Mr. Chairman, exhibit No. 5 shows that it is a Communist Party registration, the name of the person is Edith Rapport, her father's name is Max Rubin, and that it was canceled on September 24, 1942.

I now hand the witness a photostatic copy of a document which the staff, in the course of its investigation, has procured. The document is over the signature of Celeste Strack and is entitled "Communist Party Appointment of Members of the State Central Committee Meeting at Sacramento in the Year 1940."

Will you exhibit the document, please, to the witness?

(Document handed to counsel for the witness.)

(Witness confers with her counsel.)

Mr. TAVENNER. Will the witness please examine the document and state whether or not she observes on it the signature of Miss Celeste Strack?

Mrs. RAPPORT. How many questions do you have pending and what are they?

Mr. TAVENNER. I think you know very well; but if you desire to have it repeated, I will.

Will you examine the document and state whether or not you recognize the signature of Miss Strack to that document?

(The witness confers with her counsel.)

Mrs. RAPPORT. On the advice of my counsel, I refuse to answer that question on the grounds of the first amendment, supplemented by the fifth.

Mr. TAVENNER. Will you examine the document again, please, and state whether or not your name appears as the second name in a group of three names?

Mrs. RAPPORT. Just a minute. I haven't examined the document.

Mr. JACKSON. I ask that the witness be directed, as a basis for succeeding questions, to examine the document.

Mr. MOULDER. The witness is so directed.

But may I suggest the proper procedure would be to hand the witness a document marked "Exhibit So-and-so." Then ask her to examine it, without reference to any of the contents in the instrument which might give her some cause or basis for claiming the fifth amendment. If she refuses to examine the exhibit, she will be directed to examine it, and we will then proceed with the questioning.

Then we might have some basis for contempt.

But I think when you couple the request for examination with the naming of certain people, there might be some cause for her to refuse to answer on those grounds.

Mr. TAVENNER. I thought counsel had shown her the document.

Mr. JACKSON. I press my request for direction of the witness to examine the document.

Mr. MOULDER. May I have the document?

(Document handed to the chairman.)

Mr. MOULDER. What is the last exhibit number?

Mr. TAVENNER. The last one was 5. This would be 6.

Mr. MOULDER. We ask the witness to examine this document marked for identification purposes as "Rapport Exhibit No. 6."

(Document handed to counsel for the witness.)

Mr. MARSHALL. It has no marking on it.

Mr. MOULDER. Have the exhibit marked "Rapport Exhibit No. 6."

(The document referred to was marked "Rapport Exhibit No. 6" for identification.)

Mr. MOULDER. Now that the document is marked "Rapport Exhibit No. 6," the witness is requested to examine that exhibit.

(The witness confers with her counsel.)

Mrs. RAPPORT. On the advice of my counsel, I refuse to examine this document, on the grounds of the first amendment supplemented by the fifth.

Mr. JACKSON. I ask the witness be directed to examine it.

Mr. MOULDER. The witness is directed to examine the document marked "Exhibit No. 6."

The record will now reveal that the witness, in conference with counsel, is examining exhibit No. 6 which has been handed to her.

Will you ask the next question concerning exhibit No. 6, Mr. Tavenner?

Mr. TAVENNER. Keep the document there. On further examination of the document, do you see your name appearing in the second of a group of three names, about the middle of the document?

(The witness confers with her counsel.)

Mrs. RAPPORT. I decline to answer that question on the grounds of the first amendment supplemented by the fifth.

Mr. TAVENNER. Now I would like to have the document, please.

Mr. MOULDER. It was marked as an exhibit and then offered to the witness.

Mr. TAVENNER. I now desire to offer in evidence this document previously identified as "Rapport exhibit No. 6," to be retained in the files of the committee.

Mr. MOULDER. Without objection, it is so ordered.

Mr. TAVENNER. Mr. Chairman, I think I should read this document into the record.

Communist Party appointment of members of the State central committee meeting at Sacramento in the year 1940.

I, Celeste Strack, duly qualified as a delegate to the State convention at Sacramento in the year 1940, by virtue of my nomination to the office of Congress, 13th District, on the 27th day of August 1940, upon the Communist ticket, do hereby appoint the following three voters who shall be members of the State central committee to meet at Sacramento, September 20, 1940, to wit: George Rapport, 527 North Cummings, Los Angeles, Mrs. Edith Rapport, 527 North Cummings, Los Angeles, Louis Baron, 931½ South Mathews, Los Angeles.

In witness whereof I have hereunto set my hand and seal this 13th day of September 1940.

MISS CELESTE STRACK.

Did you attend, Mrs. Rapport, the State convention of the Communist Party in the year 1940?

Mrs. RAPPORT. You know very well I am going to refuse to answer that question, and I do so on the ground of the first amendment supplemented by the fifth.

Mr. TAVENNER. I now hand you a photostatic copy of a document which the staff procured in the course of its investigation, which purports to be a proxy signed by you. It is marked for identification as "Rapport Exhibit No. 7."

(Document handed to counsel for the witness.)

Mr. TAVENNER. After your examination I will ask you a question.

(The witness confers with her counsel.)

Mrs. RAPPORT. On the advice of my counsel, I refuse to examine this document, on the grounds of the first amendment supplemented by the fifth.

Mr. MOULDER. The witness is directed to examine the document marked "Rapport Exhibit No. 7."

The record should show at this point that the witness and counsel are carefully examining the document marked "Rapport Exhibit No. 7."

Mr. MARSHALL. Did you say carefully?

Mr. MOULDER. We have no need for any comment on that, Mr. Marshall.

(The witness confers with her counsel.)

Mr. TAVENNER. Did you examine the document carefully enough to see whether or not your name is signed to it?

Mrs. RAPPORT. I decline to answer that question on the grounds of the first amendment supplemented by the fifth.

Mr. TAVENNER. Then will you look at it carefully enough so that you will be qualified to answer my question.

(The witness confers with her counsel.)

Mrs. RAPPORT. I decline to answer for the reasons previously stated, on the grounds previously stated.

Mr. MOULDER. The witness is directed to examine exhibit No. 7.

(The witness confers with her counsel, examining document.)

Mrs. RAPPORT. Under your order, I have looked at it.

Mr. TAVENNER. Is the signature appearing there your signature?

Mrs. RAPPORT. I refuse to answer that question on the ground of the first amendment supplemented by the fifth.

Mr. TAVENNER. I desire to offer the document in evidence, ask that it be marked "Rapport Exhibit No. 7," and made a part of the printed record.

Mr. MOULDER. Without objection, Rapport exhibit No. 7, is admitted in evidence.

Mr. MARSHALL. You mean without objection from us. We have objections. Would you like to hear them?

Mr. MOULDER. Without objection from any member of the committee, Rapport exhibit No. 7 is admitted into evidence.

Mr. JACKSON. I ask that counsel for the witness be directed to confine his activities in this hearing room to advice to his client; not to the committee.

Mr. MOULDER. That is a rule of the committee, of course. The witness has an opportunity to confer with counsel and be accompanied by counsel, without any right or privilege of making remarks or argument to members of the committee.

Proceed, Mr. Tavenner.

(The witness confers with her counsel.)

Mr. TAVENNER. I understood you to tell us earlier in your testimony that you began your professional career in music in 1947, or 1937.

(The witness confers with her counsel.)

Mrs. RAPPORT. I am not quite clear about that, Mr. Tavenner, and I would like to have the record read to refresh my memory.

Mr. TAVENNER. I don't think that will be necessary.

Mrs. RAPPORT. What the questions were and what the answers were. I don't know whether you are repeating the same questions or trying to get me involved or what?

Mr. TAVENNER. I understand perfectly what you mean. It is not necessary to look at the record.

Mrs. RAPPORT. I don't understand what you mean, and you have asked me a question. And there is a difference.

RAPPORT EXHIBIT No. 7

COMMUNIST PARTY

Proxy for Attendance at the State Central Committee Meeting
at Sacramento, in the Year 1940

I, Mrs. Edith Rapport, duly qualified to sit as a member of the State Central Committee meeting at Sacramento in the year 1940 (September 20, 1940), by virtue of (being a delegate to the State Convention) (my appointment thereto by Celeste Strick); this appointment having been duly filed in the office of the Secretary of State on the 13th day of September 1940 (Strike out part inapplicable) do hereby designate Emil Freed (post-office address) 737 North Vista - Los Angeles as my proxy with full power to act for me in every respect as a duly qualified member of the State Central Committee meeting at Sacramento on the 20th day of September, 1940.

IN WITNESS WHEREOF, I have hereunto set my hand this 16 day of September, 1940.

Mrs. Edith Rapport

MRS. EDITH RAPPORT

[TYPE OR PRINT NAME BELOW SIGNATURE]

Signed and acknowledged before me this 16 day of September, 1940.

Ralph Goscinski
Notary Public

Mr. TAVENNER. I understand perfectly.

Mrs. RAPPORT. But I don't understand perfectly.

Mr. TAVENNER. That isn't necessary because there is no question pending.

Mr. JACKSON. May I make an observation.

If the fact that Communist Party membership has ever been established before the committee, it has been established here. It is quite obvious that there is going to be no comment, continued refusal to identify documents, signatures and everything else of the sort.

Unless there is some particular reason to continue with the witness, I would suggest—we have 50—

Mr. TAVENNER. I do have a particular reason.

Mr. JACKSON. Very well.

Mr. MARSHALL. You are not finished?

Mr. TAVENNER. Now in 1948 were you engaged in the practice of your musical profession?

(The witness confers with her counsel.)

Mrs. RAPPORT. If I remember correctly, I gave you no exact dates, no specific dates. I said approximately.

Mr. TAVENNER. Will you answer the question. Were you engaged in the practice of the musical profession in 1948?

Mrs. RAPPORT. I told you I don't remember exactly whether it was 1948 or 1949 or 1947 and 1950. I said approximately. I say the same thing now; approximately.

Mr. TAVENNER. I am not asking what you told me. Tell me now were you practicing your musical profession in 1948?

Mrs. RAPPORT. You have asked me that question before.

Mr. MOULDER. The witness is directed to answer. You should know whether or not you were engaged in the practice of your profession in 1948. That is a very simple question.

(The witness confers with her counsel.)

Mrs. RAPPORT. So far as I remember, I am not too certain about the exact year, but I may have practiced my profession in 1948.

Mr. TAVENNER. Were you a member of the musicians branch of the Communist Party in 1948?

Mrs. RAPPORT. Again you know that I am going to decline to answer that question on the grounds of the first amendment, supplemented by the fifth. And this is beginning to sound like a broken record.

Mr. MOULDER. We want to give you the opportunity to respond to the question.

Mrs. RAPPORT. Thank you very kindly for the opportunity, but I do not appreciate it.

Mr. JACKSON. That is no answer to the question. She said we know she is going to decline. We know it very well. But do you so decline?

Mrs. RAPPORT. I do so decline. Mr. Jackson on the grounds of the first amendment supplemented by the fifth. If you care to, I will read it to you just to refresh your memory.

Mr. MOULDER. Proceed with the next question.

Mr. TAVENNER. Were you requested by the Communist Party to circulate a petition in 1948 to put the Independent Progressive Party on the ballot in the State of California?

Mrs. RAPPORT. I decline to answer that question on the same grounds, the first amendment supplemented by the fifth.

Mr. TAVENNER. I hand you a photostatic copy of a petition which, at the end of it, has an affidavit.

I will have this petition marked for identification as "Rapport Exhibit No. 8."

Mr. MOULDER. Have it so marked.

(The document referred to was marked "Rapport Exhibit No. 8" for identification.)

(Document handed to counsel for the witness.)

(The witness confers with her counsel.)

Mrs. RAPPORT. On the advice of my counsel, I will decline to examine this document, on the first amendment supplemented by the fifth.

Mr. MOULDER. The committee respectfully directs the witness to examine the exhibit handed to her, marked "Rapport Exhibit No. 8."

Mrs. RAPPORT [after examining document]. I have looked at the document.

Mr. MOULDER. Have you examined the document?

Mrs. RAPPORT. I have looked at it.

Mr. TAVENNER. Did you circulate that petition?

Mrs. RAPPORT. I decline to answer that question on the grounds previously stated, the first and fifth amendments.

Mr. TAVENNER. I offer the document in evidence, and ask that it be marked "Rapport Exhibit No. 8."

(This exhibit is similar to Waddilove exhibit No. 3, p. 3667, and will not be reproduced in the printed record. It is on file in the committee's records.)

Mr. MOULDER. Without objection, it is so ordered.

(Representative Donald L. Jackson left the hearing room at this point.)

Mr. TAVENNER. Did you take an oath before a notary public that you did circulate this petition?

(The witness confers with her counsel.)

Mrs. RAPPORT. The same question, and I will give you the same answer, on the grounds of the first amendment, supplemented by the fifth.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mrs. RAPPORT. I am going to decline to answer that question on the grounds of the first amendment, supplemented by the fifth.

I would suggest that the committee investigate the unwarranted attack on a fellow artist by the name of Nat King Cole in the South.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mrs. RAPPORT. You are not interested in these things, obviously.

Mr. MOULDER. Any questions, Mr. Doyle?

Mr. DOYLE. No questions.

Mr. MOULDER. Any questions, Mr. Scherer.

Mr. SCHERER. No questions.

Mr. MOULDER. We will stand in recess until 1:30.

(Whereupon, at 12:15 p. m., the committee was recessed, to reconvene at 1:30 p. m., the same day.)

AFTERNOON SESSION, MONDAY, APRIL 16, 1956

(The committee was reconvened at 1:45 p. m., upon the expiration of the recess. Representatives Moulder, Doyle, Jackson, and Scherer being present.)

Mr. MOULDER. The committee will come to order.

Will you call the next witness, Mr. Tavenner?

Mr. TAVENNER. Mr. Rubin Decker. Will you come forward, please?

Mr. MOULDER. Hold up your right hand and be sworn, please.

Do you solemnly swear the testimony which you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DECKER. I do.

TESTIMONY OF RUBIN DECKER, ACCOMPANIED BY COUNSEL, MORTIMER VOGEL

Mr. MOULDER. Be seated.

Proceed with the examination of this witness.

Mr. TAVENNER. Will you state your full name, spelling both your first and last names, please?

Mr. DECKER. My full name is Rubin, R-u-b-i-n; last name, Decker, D-e-c-k-e-r.

Mr. TAVENNER. It is noted that the witness is accompanied by counsel. Will counsel please identify himself for the record?

Mr. VOGEL. My name is Mortimer Vogel, V as in victory—o-g-e-l.

Mr. TAVENNER. When and where were you born, Mr. Decker?

Mr. DECKER. I was born in Cleveland, Ohio, August 12, 1915.

Mr. TAVENNER. Where do you now reside?

Mr. DECKER. Here in Los Angeles.

Mr. TAVENNER. What is your occupation?

Mr. DECKER. I am a musician.

Excuse me a moment.

(The witness confers with his counsel.)

Mr. TAVENNER. Will you give us, please, sir, your educational background?

Mr. DECKER. Yes; I would be very happy to.

Before graduating—high school in Cleveland—I won two solo awards as violist, both citywide and statewide. I was a member of a string quartet and orchestra that won a national award in 1932. I was a scholarship student to the Interachen School of Music, which is a summer camp. Thereafter I attended Transylvania College in Lexington, Ky., also as a music scholarship student. And, if I may, it was here that I first received an education that I don't get in books. It is the education that had to do with denial of civil rights of 15 million people in the South.

I wrote for the school paper, I wrote for the Civic. That is the city paper. I wrote music reviews, features.

I graduated with a degree of bachelor of arts in English and journalism. I thereafter went to Indianapolis where I performed with the Indianapolis Symphony for 3 years.

Mr. TAVENNER. During what period of time was that?

Mr. DECKER. This was right after my graduation in 1938; 1938 to 1941.

(Counsel confers with the witness.)

Mr. DECKER. Approximately; yes. And some time in 1941, I went on a countrywide and Canadian tour as a member of the All-American Youth Symphony Orchestra conducted by Leopold Stokowski.

I attended a year of studying at the Manhattan School of Music in New York. On my return to Los Angeles I performed with the Warner Janssen Symphony, where, for a time, I played first viola.

Mr. TAVENNER. When did you return to California?

Mr. DECKER. I returned around 1941, about a year before I went into service, or shortly thereafter. After my service in the Air Force I returned, went into one of the studios.

Mr. TAVENNER. You say you returned to California in 1941. When were you in California prior to that time?

Mr. DECKER. It was quite intermittent: I came, then went back to finish college, and came back home and went back to go to the symphony, and I didn't stay too long in one place.

Mr. TAVENNER. Just for short periods?

Mr. DECKER. Yes.

Mr. TAVENNER. Proceed.

Mr. DECKER. After my return from service I started to perform in the studios here.

Mr. TAVENNER. When was that?

Mr. DECKER. I came out of service in 1945.

(Counsel confers with the witness.)

Mr. DECKER. Approximately.

Shall I continue on education?

Mr. TAVENNER. Yes.

Mr. DECKER. In 1948 I gave up my job at MGM Studio where I was under contract, and went to New Haven where I attended the School of Music at Yale University. It was here I got my bachelor of music degree, and master of music degree.

Mr. TAVENNER. When did you go to New Haven?

Mr. DECKER. Around 1948.

Mr. TAVENNER. What time in 1948?

Mr. DECKER. Well, it happened very quickly. At that point I was a little tired of studio work. I felt I needed more training. I felt I had more to learn before I could make myself the kind of musician I wanted to be.

So, there was a quick exchange of telegrams between me and several music schools, and I attended Yale particularly because there was a composer there with whom I wanted to study.

Mr. TAVENNER. What was the approximate date of your entrance at Yale?

(The witness confers with his counsel.)

Mr. DECKER. To the best of my recollection, it was the fall of 1948.

Mr. TAVENNER. And prior to that time you were here in California?

Mr. DECKER. Yes.

Mr. TAVENNER. What were you doing in California at that particular time?

(The witness confers with his counsel.)

Mr. DECKER. May I ask what you mean by "doing"? Nature of work?

Mr. TAVENNER. Yes. What was your occupation? How were you engaged?

Mr. DECKER. Well, the musician's life being a very hazardous one—

Mr. TAVENNER. As a musician. Is that what you mean?

Mr. DECKER. Unfortunately, I have done many other things, of necessity, besides being a musician, because we have to eat. I have done everything from dig ditches to work in carnivals to—

Mr. TAVENNER. Were you also a member of the Communist Party at that time?

(The witness confers with his counsel.)

Mr. TAVENNER. Was that one of the various things?

Mr. DECKER. Are you serious in asking this question, sir?

Mr. TAVENNER. Yes.

Mr. DECKER. Because I thought we were—I thought we were talking about education, if I may say.

Weren't we discussing education and training? This is what I thought.

Mr. TAVENNER. Yes; and you said you were engaged in various things at that time. So I am asking you whether you were a member of the Communist Party at that time.

Mr. DECKER. Well, if I may say, sir, I refuse to answer this question on the following grounds: One, I do not believe that this committee, under Public Law 601, which, as I understand it, was legislated into

existence to investigate areas of subversive propaganda and activities—I feel that this committee by its very nature is operating in a sphere of ideas, opinions, associations, and that these ideas, opinions, and associations are guaranteed by the first amendment.

And, if I may continue, I would like to quote here a very recent ruling by the Supreme Court in majority decision—

Mr. MOULDER. The committee is familiar with the decisions of the Supreme Court. Counsel has asked you a question, and you can decline to answer and state your reasons therefore without going into a great deal of argumentative statements concerning the committee.

(The witness confers with his counsel.)

Mr. MOULDER. You have a right to claim the privilege under the Constitution if you wish.

Mr. DECKER. Sir, with due respect to you, I was asked a question, and I am trying to answer it in the best way I know how. I claim that I could not answer under the grounds of, one, this rule which puts the committee in existence, and, for this reason I would like to be able to quote the Supreme Court in a decision last year, since it pertains to my first reason for declamation, if I may be allowed.

Mr. MOULDER. Is it very long?

Mr. DECKER. No; it is very short.

Mr. MOULDER. All right.

Mr. DECKER. This is a decision of *Quinn v. United States Government*, in May 1955. This pertains to Public Law 601:

The power to investigate, broad as it may be, is also subject to recognized limitations. It cannot be used to inquire into private affairs unrelated to a valid legislative purpose. Nor does it extend to an area in which Congress is forbidden to legislate. Similarly, the power to investigate must not be confused with any of the powers of law enforcement; those powers are assigned under our Constitution to the executive and the judiciary. Still further limitations on the power to investigate are found in the specific individual guarantees of the Bill of Rights.

It is quite short but very specific.

Mr. MOULDER. Are there any other reasons you wish to give?

(The witness confers with his counsel.)

Mr. DECKER. Yes; if I may be allowed to continue.

I would like to decline on the basis of the first amendment, in which, as I gather generally, even though I have the amendments or the Bill of Rights here in front of me, Congress shall make no law abridging freedom of speech, press, or religion, or deny the citizen of right of people to peaceably assemble.

I would like to say here, under the first amendment, that this also includes the artist who must be free to function in an atmosphere of freedom and nonconformity, free to function without fear or coercion.

This is implicit in the first amendment.

And also, in terms of association, I have the right to play where I want to, with whom I want to, wherever I want to. I have the right to interpret my music my way, and have no one tell me how to do it.

Mr. MOULDER. As chairman of this subcommittee, I feel it my duty to advise you the committee does not argue with you about those privileges and freedoms and rights.

The simple question was asked you as to whether or not you were a member of the Communist Party during that period of time. And

our Supreme Court has held that the Communist Party is a conspiracy, that it is a subversive activity, and is a threat to our form of government in America.

Therefore, what you are saying is very remote and has no connection with the question propounded.

(The witness confers with his counsel.)

Mr. DECKER. I believe I am still on my reasons. I mentioned one of the reasons I declined was on the basis—

Mr. SCHERER. Witness, you are making a speech. We understand. We have read those decisions.

Mr. DECKER. Am I allowed to continue my reasons?

Mr. SCHERER. The chairman may allow you to continue. I just wanted to call attention to that.

Mr. MOULDER. No; I will not allow you to continue along that vein.

Mr. DECKER. Would you withdraw the question, sir?

Mr. MOULDER. There is no argument. You are speaking to defend your attitude by making statements which we all believe in and which we all will defend.

Mr. JACKSON. The only reasons, if I may say, Mr. Chairman, which have any valid standing before the committee are the constitutional provisions which are available to a witness. It is not necessary to extend your remarks at any considerable length. Those provisions are available to you, and it is extraneous to go into any additional comment.

(The witness confers with his counsel.)

Mr. DECKER. I can understand this, Mr. Jackson, and I will promise, or try to keep my remarks as close to the actual amendments and privileges as I can.

It is just I feel very strongly about this particular area of the colorature of the musical, which is why I brought it in even though I realize it may not have anything to do with the legal. I will try to keep it down.

Mr. SCHERER. You can play all you want, any place you want, play anything you want. We don't care. We are not interested.

Mr. DECKER. On the contrary, you are very interested because I am losing my job because you are here telling me what to play.

Mr. MOULDER. Why are you losing your job?

(The witness confers with his counsel.)

Mr. DECKER. Because I work in a very sensitive industry at present, as I am sure you are well aware.

The fact of having—

Mr. MOULDER. May I ask you this question before you finish that one:

Are you now a member of the Communist Party?

Mr. DECKER. Are you withdrawing the other question then?

Mr. MOULDER. No, we are not withdrawing that, but I want to ask you that question.

Mr. DECKER. I would rather finish one question before I go to the other.

Mr. SCHERER. I ask you to direct the witness to answer your question whether he is now a Communist.

Mr. MOULDER. You are directed to answer whether or not you are now a member of the Communist Party. I think it is evident you are.

(The witness confers with his counsel.)

Mr. DECKER. Well, I will have to refuse to answer that question on the following constitutional grounds, and may I be allowed to continue then. I will go into the next reason why I cannot answer this question.

Mr. SCHERER. Maybe it is because you aren't answering the question that you are going to lose your job. Is that the reason? Because you are invoking the fifth amendment?

Mr. DECKER. May I be allowed to continue, Mr. Chairman, without interruption?

Mr. SCHERER. You said you were losing your job because you were appearing before this committee.

Mr. DECKER. Mr. Chairman, may I be allowed to answer?

Mr. MOULDER. You are entitled to decline to answer or claim the privilege under the Constitution in refusing to answer.

Mr. DECKER. That is what I am trying to do, if this gentleman on my right will allow me.

Mr. MOULDER. It is a very brief procedure for you to say that you are.

Mr. DOYLE. I would suggest to the witness that, instead of reading the prepared speech you have on those 12 or 15 cards which you hold in your hand, why don't you plead your constitutional privilege.

(The witness confers with his counsel.)

Mr. DOYLE. We will respect that and you respect it, and thank God that is the Constitution of the United States. But we do not have time for you to make a speech before this committee. Give your reasons. We respect them and honor them, and that is your privilege.

Mr. DECKER. Thank you very much, Mr. Doyle. However, I am not making a speech really. These are a few notes I am using to refresh my memory.

Mr. DOYLE. The 12 or 15 cards which you have in your hand are more than just a few notes. It is a prepared antagonistic speech against the function of the committee. And that is not your constitutional reason.

Mr. DECKER. I am not even here being antagonistic, actually, even though I can't see why you are here meddling in our union. However, I am trying to be polite. I am trying to answer on the basis of the constitutional reasons.

Mr. DOYLE. We haven't mentioned your union. You are the one who brought that up now. You are the first one to bring it up this afternoon. We haven't mentioned it. That is what you are trying to do, to show that we are interfering with your union. And we are not, and we won't.

Maybe it is the operation of the Communist cell within the union that is interfering with the union. I surmise that it is, from some of the testimony this morning. And from some of the testimony we will have this afternoon, I surmise that the thing that is interfering with the ordinary processes of your union, the way an American federation of musicians should function, is the attempt of the Communists within your union to control the policy of your union in favor of the Communist cell instead of organized labor as it ought to be conducted.

We are not interfering with your union. We are going to interfere with communism wherever it is. You might just as well know that.

(The witness confers with his counsel.)

Mr. MOULDER. There is something that preys upon me heavily. You say you are about to lose your position of employment as a result of your appearance before this committee. Are you about to lose your position of employment because you are a Communist, which your employer did not know before you were subpenaed to appear before this committee? Is that the reason?

Mr. DECKER. There is a question that has been asked me, and I am trying to answer it. I am in the process of answering this original question. May I be allowed to continue on the original question, and if you would please restate it to me.

Mr. MOULDER. Just a moment, please.

Will you suspend?

(The committee confers.)

Mr. MOULDER. All right, proceed.

Now, shall we, in order to clear the record, go back to the original question propounded to you by Mr. Tavenner. That is whether or not you were a member of the Communist Party at the time he referred to in the testimony; is that it, Mr. Tavenner?

Mr. TAVENNER. Mr. Decker, you testified that prior to your going to New Haven you were engaged in various occupations here in the city of Los Angeles, and I asked you whether or not one of them was work in the Communist Party. So far you have declined to answer.

(The witness confers with his counsel.)

Mr. DECKER. Yes: I have declined to answer, and I have been in the process of giving the grounds for my declination.

I would like to further decline to answer that question, if I may continue, on the basis of the first amendment which states, in terms of associations, freedom of speech, freedom of the press. I believe one of the important associations—and I believe this is one of the reasons, again, why I am here—is the right of association—

Mr. MOULDER. Very well, you decline to answer on the basis of the—

Mr. DECKER. On the first amendment.

Mr. MOULDER. All right, that is understood. We all know what the first amendment stands for, and it speaks for itself.

(The witness confers with his counsel.)

Mr. DECKER. There are further reasons which I would like to be allowed to finish, if I may.

Mr. JACKSON. Mr. Chairman, I want to indicate that I will object to any extraneous matter, and ask that it be stricken from the record. By that I mean anything not in the nature of a constitutional reason for declining to answer the question.

(The witness confers with his counsel.)

Mr. MOULDER. That objection will be sustained unless there is opposition on the part of any other member of the committee.

(The witness confers with his counsel.)

Mr. DECKER. Do you wish me to proceed on the reasons for my refusing to answer the question?

Mr. MOULDER. You have covered the first amendment. Let's proceed from there without a discussion. We don't want to go into a

detailed explanation of what your interpretation or understanding of the first amendment is. It speaks for itself. And our courts will construe the meaning of the first amendment. You claimed the first amendment. Proceed from there.

Mr. DECKER. Well, I am claiming the first amendment in its very specific and implicit statements contained within it which pertain to freedom of speech, press, and association.

Mr. MOULDER. Yes; it speaks for itself.

Mr. DECKER. And one of the associations is that of the association to work—

Mr. JACKSON. I ask that this be stricken from the record.

Mr. MOULDER. The witness is directed to refrain from making a speech and comments concerning the first amendment. As I say, it speaks for itself as your reason and cause for declining to answer the question.

Mr. DECKER. I, therefore, would further decline on the grounds of the fourth amendment, which is the right of people to be secure in their homes, persons, papers, effects, and so forth.

Mr. MOULDER. Very well.

Mr. DECKER. In this relation, I feel by being here—

Mr. JACKSON. I ask that any additional conversation on the point of the fourth amendment be stricken from the record.

Mr. DECKER. This has to do with privacy. My name has been splattered all over the front page. My pictures will be in the front pages. This is being denied privacy, sir. This is why I feel I can use this amendment.

Mr. JACKSON. You are entitled to use the amendment. No one is questioning your right to.

Mr. DECKER. Thank you.

Mr. JACKSON. We are simply saying that there is no necessity for making a speech after having claimed the provision.

I ask the reporter be instructed to strike out all after the claim of the fourth amendment.

Mr. MOULDER. The record should speak for itself in that regard. However, conducting yourself as a witness as you are, it is our duty to advise and inform you for your own protection, that as a result of your conduct in refusing to answer, by giving argumentative interpretations which you may have in construing the Constitution, you might be guilty of contempt.

Therefore, you are directed to answer the question without going into great detail and argument, haranguing about what you believe the amendment to the Constitution stands for. Your mere reference to them in declining to answer is sufficient.

Mr. DECKER. I am trying to answer them to the best of my ability, sir. I really am. I am one of these talkative guys.

Mr. SCHERER. All except when it comes to telling us whether or not you are a Communist. Then you are not talkative.

(The witness confers with his counsel.)

Mr. MOULDER. As I understand, you decline to answer, claiming the protection of the first amendment and the fourth amendment.

Are there any other amendments to the Constitution which you intend to claim?

Mr. DECKER. Yes; there are.

(The witness confers with his counsel.)

Mr. DECKER. I would further like to decline to answer this question on the basis of the sixth amendment, which, again, I would care to mention the fact of having the right to have an impartial jury, to be informed of the nature and cause of the accusation, to be confronted by witnesses against me.

And, again, if I may, I would like to quote the recent Supreme Court decision—

Mr. MOULDER. May I say to you that you are not being charged with anything before this committee. You are being called here as an American citizen to give this committee any information that you may have concerning communistic activities which the Supreme Court, the law of our land, has declared to be a subversive activity and a conspiracy to overthrow our Government, the kind of government we now enjoy in this country.

You are not charged with anything. We are not accusing you of violating the law or committing any crime. We are merely trying to get information concerning communistic and subversive activities. But you seem to be hesitant, or at least completely contrary, to the idea of giving any such information if you have any.

(The witness confers with his counsel.)

Mr. SCHERER. I submit he has had time enough to answer the question. I suggest we pass to the next question.

Mr. DECKER. Are you withdrawing the question, sir?

Mr. SCHERER. No.

Mr. DECKER. Otherwise, I am in the process of answering it, and I will do so.

Mr. MOULDER. You took the first amendment, fourth, and then you skipped to the sixth. You are not claiming the fifth?

Mr. DECKER. I don't believe I finished my declination.

Mr. MOULDER. Proceed.

Mr. DECKER. I have the privilege of doing so under your rules.

Mr. MOULDER. We don't want to deprive you of the right to claim the protection of the provisions of the Constitution or any amendment you wish to. Proceed.

Mr. DECKER. I realize. I don't want to take any more of your time than—

(The witness confers with his counsel.)

Mr. SCHERER. This is a studied plan to delay the work of this committee. It is obvious since we started this morning.

Mr. MOULDER. You claim the first, fourth, and sixth amendments as I understand it.

Mr. DECKER. That is so.

(The witness confers with his counsel.)

Mr. SCHERER. With the assistance of the lawyers who are appearing?

Mr. VOGEL. May I say I think we have a right to advise our witness as we see fit.

I think that remark is entirely uncalled for, Mr. Chairman.

Mr. MOULDER. That is correct. The witness has a right to confer, to be represented by and to confer with counsel.

Mr. VOGEL. I think Mr. Scherer is entirely out of place making any comment regarding any of the attorneys present. I think everybody is entitled to be represented by counsel.

If Mr. Scherer doesn't know, we know it.

Mr. SCHERER. I repeat what I said. I think it is a studied plan—

Mr. MOULDER. Let's proceed.

What other provisions do you wish to claim?

Proceed with your reasons for declining to answer, by briefly stating the provisions of the Constitution without giving us a big opinion on it.

(The witness confers with his counsel.)

Mr. DECKER. Finally, I refuse, I decline to answer this question on the grounds of the fifth amendment which deals with capital punishment, or grand jury rather for capital offenses, and not being compelled to be a witness against oneself in criminal cases—which, by the way, I cannot see is the issue here at all—nor can the citizen be deprived of life, liberty, or property without due process of law.

Mr. MOULDER. May I interrupt you there to ask you this:

In the event you were granted immunity and protected from criminal prosecution or incriminating yourself in any way whatsoever by answering the questions that are propounded to you; would you do so?

(The witness confers with his counsel.)

Mr. DECKER. It would seem to me, sir, that this is an "iffy" question which I would refuse to answer in the same way, as it follows logically I am refusing to answer the question that you asked me previously.

Mr. JACKSON. Are you now a member of the Communists Party?

Mr. DECKER. I would have to decline to answer that question—

Mr. JACKSON. You would not have to. Do you?

Mr. DECKER. I do decline to answer that question for the following reasons: on the grounds of the fifth amendment which guarantees me due process, not to be deprived of life, liberty, or property, and, in this connection, I feel comes not just liberty but there is also financial and economic liberty, the liberty of being able to eat and not be blacklisted.

Mr. MOULDER. That is sufficient.

Any further questions, Mr. Tavenner?

Mr. TAVERNER. Mr. Chairman, I think, for the benefit of the record, I should call attention to the fact that the witness, in quoting the Quinn case, a decision of the Supreme Court of the United States, did not make it plain that that case did not involve at all any sphere of examination of a witness by this committee.

What that case involved was the question of whether or not it was properly understood by the witness that he was being directed to answer.

And I mention that for the record because it has been persistently claimed in certain sources that have been attacking this committee in exactly the same language used by this witness.

Mr. DECKER. Is there a question to be directed at me, sir, at this point? I sort of lost track.

Mr. DOYLE. Mr. Chairman, may I, right at this point, supplement what our distinguished legal counsel has said.

I have the opinion of *Thomas Quinn v. U. S. of America*, May 23, 1955, before me. And the witness has read just a few sentences in paragraph 1, page 5. He did not read all of it, and I want to read

that part of the same paragraph from which the witness only took a few sentences to serve his needs:

There can be no doubt as to the power of Congress, by itself or through its committees, to investigate matters and conditions relating to contemplated legislation. This power, deeply rooted in American and English institutions, is indeed co-extensive with the power to legislate. Without the power to investigate—including, of course, the authority to compel testimony, either through its processes or through judicial trial—Congress could be seriously handicapped in its efforts to exercise its constitutional function wisely and effectively.

At that point, Mr. Chairman, too, I think it is timely to call attention to the fact that there have been certain full-page advertisements by a certain committee, and in all the advertisements it was stated that this decision, *Quinn v. U. S. of America*, was a unanimous decision.

That statement is absolutely false, and I believe it was known to be false by these people who are circulating this bunkum about this committee.

The fact is that there were two dissents from this decision. And yet in all of the testimony, in all of the circulars—and I have here a copy of a certain paper published April 12—it says:

This usurpation of power by the committee recently was denounced by the United States Supreme Court in a unanimous decision.

It was not unanimous. It was, in my judgment, a deliberate, false, and untrue statement for the purpose of prejudicing patriotic American citizens against a committee of the United States Congress.

I have here a telegram, dated March 20, 1956, from a Mr. Rev. A. Heist, chairman, Citizens Committee To Preserve American Freedoms, 4274 Beverly Boulevard, Los Angeles, the committee publishing this false and untrue statement about the decision of the Supreme Court. And this telegram to me reads:

In overruling the House Un-American Activities Committee citation of contempt against Quinn, the United States Supreme Court, in unanimous decision, handed down by Chief Justice Warren—"

And again I want to say that Reverend Heist and his committee are deliberately misrepresenting the decision of the United States Supreme Court. I felt it important that all those within hearing of my voice should know what the truth is. We have the decision right here, the full decision.

The advertisements and the propaganda against the committee which have been circulated by Reverend Heist and his alleged committee to preserve American freedoms is a bunch of bunkum, and most of it is untrue and unfounded, especially with reference to this Supreme Court decision which was quoted by this witness.

Mr. MOULDER. Proceed, Mr. Tavenner.

Mr. TAVENNER. Mr. Decker, were you counseled by the Communist Party or any member of the Communist Party to engage in a program of advancing the interests of the Independent Progressive Party in 1948?

(The witness confers with his counsel.)

Mr. DECKER. I will refuse to answer this question on the grounds previously given, on the grounds of the first, fifth, fourth, ninth, and tenth amendments, which I never got to, by the way, only because I was interrupted so many times.

Mr. JACKSON. You got to it in time.

Mr. TAVENNER. We will include it by reference.

Mr. DECKER. Fine.

That still gives us, the people, powers that you gentlemen don't have.

Mr. TAVENNER. Were you aware of the plan by the Communist Party to promote the interests of the Independent Progressive Party by circulating petitions to put it on the ballot in California in 1948?

(The witness confers with his counsel.)

Mr. DECKER. I thought I just answered this question, which I further, again, refuse to answer for the same reasons, on the basis of the first, fifth, ninth, tenth, and sixth amendments.

Mr. TAVENNER. Were you aware of a campaign by the Communist Party to secure the registration of its members as members of the Independent Progressive Party?

(The witness confers with his counsel.)

Mr. DECKER. Sir, this seems to be variations on the same theme. I thought I just answered this question. And, again, I would refuse to answer the question for the reasons previously given.

Mr. TAVENNER. I hand you a photostatic copy of an affidavit of registration of a person by the name of Rubin Decker, sworn to on the 23d day of February 1948, stating that that person intends to affiliate in the ensuing primary election with the Independent Progressive Party of California. Will you examine it, please, and state whether or not that is your affidavit?

(The witness confers with his counsel.)

Mr. TAVENNER. The document is marked for identification only as "Decker Exhibit No. 1."

Mr. DECKER. I might ask, Mr. Counsel, had you intended to investigate the Democratic Party, too, since McCarthy said it had 20 years of treason behind it?

Mr. TAVENNER. Possibly we might know more about that if you would tell us what you know about the Independent Progressive Party.

(The witness confers with his counsel.)

Mr. DECKER. I refuse to answer this question on the basis of the first and fifth amendments, and those previously given.

Mr. TAVENNER. I offer the document in evidence, and ask that it be marked "Decker Exhibit No. 1."

Mr. MOULDER. Without objection, it is so ordered.

(This exhibit is similar to Waddilove exhibit No. 1, p. 3664, and will not be reproduced in the printed record; it is on file in the committee's records.)

Mr. TAVENNER. Did you sign an affidavit of registration in the Independent Progressive Party under sworn statement of February 28, 1952?

I hand you a photostatic copy of that document which is marked for identification only as "Decker Exhibit No. 2."

(The witness confers with his counsel, and examines document.)

Mr. DECKER. I would refuse to answer this question also on the basis of the first or fifth with the question, in return, as to why it is necessary to be investigating anybody's registration in any nature, manner, or form.

By what right are you here to investigate anybody's personal—

Mr. TAVENNER. I will try to make that clear to you.

Mr. DECKER. If you would.

Mr. TAVENNER. The committee has received testimony at various places in the State of California as to the part the Communist Party was playing in those areas in the formation of the Independent Progressive Party. The committee has heard evidence as to how the Communist Party in certain places has endeavored to function through the Independent Progressive Party as one of the largest mass organizations of the Communist Party that has ever been formed in this country.

You can be of material assistance to this committee if you would give any facts within your knowledge relating to the same type of activities in this respect.

So I will call upon you to do it.

(The witness confers with his counsel.)

Mr. DOYLE. May I supplement our counsel's fine statement for the benefit of the witness on that point because I am sure Mr. Decker was in the hearing room this morning. I am sure I saw him here when Mr. Waddilove was testifying. I am sure Mr. Decker heard Mr. Waddilove answer when I asked him whether or not the IPP was formed as a front of the Communist Party in California, in this way—and I am sure Mr. Decker heard him say, "In actuality, that is what it was."

Now that is one reason we are asking you about your activities in connection with the formation of the IPP in California, because not only Waddilove, but you heard me state this morning we had former top IPP leaders and former top Communist leaders in California testify that the IPP did become a Communist-front party in California. That is why we are asking you as to your registration. We believe you know something about that.

Mr. MOULDER. The remarks made by the witness will be stricken from the record.

(Accordingly, the remarks by the witness were stricken from the record.)

Mr. SCHERER. I have one question. Was anything that Mr. Waddilove said untrue?

Mr. DECKER. I refuse to answer that question on the basis of the first and fifth amendments.

Mr. SCHERER. Here you attack a previous witness as bitterly as you have, and then, when you are given the opportunity to say whether any of his testimony is untrue, you hesitate and refuse to do so.

Mr. DECKER. I didn't attack him. I feel sorry for him.

Mr. SCHERER. You didn't attack him?

Mr. DECKER. I think everybody else in this room did, too.

Mr. SCHERER. I am asking you now, Is anything that witness said this morning under oath untrue? Let's hear your answer.

(The witness confers with his counsel.)

Mr. DOYLE. If so, what?

Mr. SCHERER. And if so, what did he say that was untrue?

And if you say that he perjured himself in any way, I am going to have his testimony and your testimony referred to the Department of Justice and see who is perjuring himself.

You now have your opportunity to deny or to say whether this witness that you attacked so bitterly, who was under oath the same as you, told the committee anything that was untrue.

Mr. DECKER. I would have to refuse to answer that question on the basis of the first and fifth amendments.

Mr. SCHERER. I thought you would.

Mr. DECKER. And while I am doing so I would like you to know, Mr. Scherer, you are from my home State, aren't you? I would also like to remind you that only last month the Supreme Court had this to say about the practice of imputing a sinister meaning to anybody who exercises his constitutional privileges under the fifth—

Mr. SCHERER. I am not imputing a sinister means. You have attacked this witness, and I am giving you your opportunity now—

Mr. DECKER. I told you I was sorry for him and did not attack him.

Mr. SCHERER (continuing). Of saying whether or not he said anything that was untrue.

Mr. DECKER. Again I would refuse to answer this question.

Mr. SCHERER. Now we know which witness to believe.

Mr. TAVENNER. I desire to introduce in evidence document marked "Decker Exhibit No. 2."

Mr. MOULDER. Without objection, it is so ordered.

(This exhibit is similar to Waddilove exhibit No. 2, p. 3665, and will not be reproduced in the printed record; it is on file in the committee's records.)

Mr. TAVENNER. I hand the witness a third document marked for identification only as "Decker Exhibit No. 3," and ask him to tell the committee what it is.

(The witness and his counsel examine document.)

Mr. DECKER. I would have to refuse to answer this question for the reasons previously given.

Mr. TAVENNER. Is it an Independent Progressive Party petition which you circulated and at the bottom of which you signed an affidavit that you did circulate it, the date of the affidavit being January 2, 1948?

Mr. DECKER. I would refuse to answer that question also on the basis of the first and fifth amendments.

Mr. TAVENNER. I desire to offer in evidence, the document marked "Decker Exhibit No. 3."

Mr. MOULDER. Without objection, it is so ordered.

(This exhibit is similar to Waddilove exhibit No. 3, p. 3667, and will not be reproduced in the printed record; it is on file in the committee's records.)

Mr. TAVENNER. You spoke of various businesses that you were in prior to 1948. Have you been in any business other than that of practicing your profession as a musician since 1948?

(The witness confers with his counsel.)

Mr. DECKER. I wonder if you would mind restating the question. I don't know whether you meant before 1948 or after 1948.

Mr. TAVENNER. I said since 1948.

Mr. DECKER. Since 1948.

In 1951 I returned to Los Angeles with a master's degree in music, and I went to work cleaning windows and carrying lumber and digging ditches.

I think this you gentlemen should know, too. Perhaps while you are here in Los Angeles you can gather some information that may help the musicians' unemployment problem which constitutes about 80 percent of the membership.

Mr. TAVENNER. Did you also engage in teaching music?

(The witness confers with his counsel.)

Mr. DECKER. I would have to refuse to answer that on the basis of the first and fifth amendments.

Mr. JACKSON. Do you refuse to answer?

Mr. DECKER. I do.

Mr. DOYLE. Did you engage in teaching music? You had your master's degree and then you came home here and began handling lumber. You became a part-time teacher of music, when you came home in 1951? If so, can you possibly be incriminated from teaching music?

(The witness confers with his counsel.)

Mr. DOYLE. What is there about teaching music that would incriminate you if you told the truth?

Mr. DECKER. If you will give me the reason why you want to know, or have any evidence to show I did something that I didn't do—

Mr. DOYLE. We don't claim teaching music incriminates you. We are surprised that you are pleading the amendment. What are you ashamed of in teaching music? What is criminal about that?

Mr. DECKER. I have nothing to be ashamed of in anything that I have ever done at any time in my life, Mr. Doyle. I have had a pretty proud record, and I have worked hard for what I have learned.

Mr. JACKSON. Why don't you talk about your record? Why don't you talk about your record in the Communist Party if you are proud of it? You have an opportunity. You have a forum here to do it. If you are so blasted proud of your record, why don't you talk about it?

Mr. DECKER. Let me tell you, Mr. Jackson, any time you want to get out of this committee and where I am not under oath here, or not here at your command, and on the outside, I will be very happy to discuss anything.

Mr. JACKSON. I wouldn't believe anything you said not under oath.

Mr. MOULDER. Let us proceed.

(The witness confers with his counsel.)

Mr. DECKER. I am refusing to answer that question on the basis of the first and fifth amendments.

Mr. SCHERER. May I pose this question, Mr. Chairman: This witness has just said, on two different occasions in the last few minutes, that he has done nothing that is wrong during his whole career.

How can he invoke the fifth amendment?

Mr. DECKER. It seems to me that I have a quote here also from a Supreme Court decision—

Mr. DOYLE. To what decision do you refer?

Mr. DECKER. That the privilege, sir, is to protect the innocent who otherwise might be ensnared by ambiguous circumstances.

Being here is, let me tell you, an ambiguous circumstance.

Mr. JACKSON. Are you innocent of having been ensnared by ambiguous circumstances?

(The witness confers with his counsel.)

Mr. JACKSON. I ask that the witness be excused, Mr. Chairman.

Mr. MOULDER. The question was asked you, whether or not you engaged in the teaching vocation or profession. Do you decline to answer it?

Mr. DECKER. Yes; I do.

Mr. MOULDER. I will ask you this question:

Was your reason for declining to answer that question based upon the fact that you were teaching Communist policy or teaching in a Communist class or teaching Communist philosophy?

Mr. DOYLE. I understood he was teaching music.

Mr. DECKER. I will answer this one.

Mr. MOULDER. You can answer that and clear yourself of any inference as a result of your refusal to answer the other questions.

Mr. DECKER. I refuse to answer on the basis of the first or fifth amendment. However, I wish that we here could all take a look at that French horn on this article that you are talking about, Mr. Doyle, and showing all of us peering into the French horn looking for subversive notes and things. It is sort of silly to me, you know. I play the viola. I am a very good one.

Mr. DOYLE. You can ridicule it if you want, but I think it is serious when a bunch of American musicians have in their membership a group of known Communists. And one of them was here this morning and testified that he had been a Communist. He didn't claim that investigating communism among musicians would hurt music. And you are trying to ridicule it. It is not a joking matter, I want to assure you, to find American musicians hiding behind music to distribute Communist bunkum.

Mr. DECKER. I don't think it is funny either. I think it is very serious, too, Mr. Doyle.

I would suggest maybe you ought to find out about this attack on Nat King Cole in the South recently if you are so interested in that.

Mr. DOYLE. You see, it happens to be that some of us are.

Mr. MOULDER. I would make a statement in that respect, that that is probably communistically inspired.

Mr. DECKER. Not at all. I am asking it as an equally good American, as good as Mr. Jackson here.

Mr. JACKSON. Just a minute on that note.

That is going to be one of the themes running through the testimony of all of these witnesses. "Why don't you go to Mississippi to investigate an assault? Why don't you investigate this attack or that attack?"

This committee is not established for the purposes of law enforcement in crimes of violence. Those matters are within the jurisdiction of police departments, State officials, and other agencies constituted.

We have one specific charge laid upon this committee. It is a charge which, if you will take the trouble to read Public Law 601, you will understand better than you do now.

So far as this plaint, and cry, "Why don't you go out and find somebody who knocked somebody else over the head" is concerned it is fallacious.

Mr. MOULDER. Let's proceed as rapidly as possible.

Mr. TAVENNER. I have no further questions.

Mr. MOULDER. Any questions, Mr. Doyle?

Mr. DOYLE. No questions.

Mr. MOULDER. Questions, Mr. Jackson?

Mr. JACKSON. No questions.

Mr. SCHERER. No questions.

Mr. MOULDER. You are excused as a witness.

Mr. DECKER. Thank you very much. You have been very kind.

Mr. MOULDER. Call your next witness.

Mr. TAVENNER. Mr. Joe Pass.

Mr. MOULDER. Is this Mr. Joe Pass?

Mr. PASS. Yes.

Mr. MOULDER. Would you hold up your right hand and be sworn.

Do you solemnly swear that the testimony which you are about to give will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. PASS. Yes, sir.

TESTIMONY OF JOE PASS, ACCCOMPANIED BY COUNSEL, FRANK S. PESTANA

Mr. MOULDER. Before proceeding, I wish to announce, as I did earlier this morning in the committee, that all members of the committee wish to conduct our hearings as fairly as possible and with all fairness to the witness and everyone present at the hearings. But it will be necessary on the next occasion of an outbreak or demonstration to have the officers clear from the room those persons who are participating in such demonstrations.

Proceed, Mr. Tavenner.

Mr. TAVENNER. Will you state your name, please, sir?

Mr. PASS. My name is Joe Pass.

Mr. TAVENNER. Will you spell the last name.

Mr. PASS. P-a-s-s.

Mr. TAVENNER. It is noted that you are accompanied by counsel. Would counsel please identify himself for the record?

Mr. PESTANA. Frank Pestana, P-e-s-t-a-n-a.

Mr. TAVENNER. When and where were you born, Mr. Pass?

Mr. PASS. Chicago, Ill., 1915.

Mr. TAVENNER. Do you now reside in the city of Los Angeles?

Mr. PASS. I do.

Mr. TAVENNER. How long have you resided there?

Mr. PASS. Since 1942.

Mr. TAVENNER. Would you tell the committee briefly what your educational training has been.

Mr. PASS. I attended grade school and high school in Chicago, Ill. I attended Central YMCA Junior College and Herschel Junior College in Chicago approximately 1 year. I attended the University of Southern California for approximately 1½ years, and attended law school at the University of San Francisco for a year, and approximately another year down here in Southwestern University.

Mr. TAVENNER. What was the date that you attended the university here?

Mr. PASS. 1948 I attended the University of Southern California.

(The witness confers with his counsel.)

Mr. TAVENNER. What is your occupation or profession?

Mr. PASS. My profession is that of a musician. I have been a professional musician off and on for 20 years.

Mr. TAVENNER. Were you practicing your profession in this general area, the area of Los Angeles, in 1947 and 1948?

Mr. PASS. To a limited extent.

Mr. TAVENNER. Were you aware during that period of time, 1947 and 1948, of the existence of an organized group of the Communist Party composed entirely or principally of persons engaged in the musicians' profession?

Mr. PASS. It is my considered opinion that you are really not after Communists or communism. You are after conformity, and I refuse to cooperate with this committee to any extent to further what I consider a conspiracy against the American people.

The fact that this committee has been traipsing around the country for a number of years and blacklisting various groups and organizations, trying to press conformity with their own narrow point of view—I am not going to—

Mr. MOULDER. As presiding officer and chairman, I cannot permit you to go into a lengthy condemnation of this committee. The people of the United States elected the Members of the Congress, and the Congress has duly established this committee to conduct these hearings and investigate.

Your statements are not at all in response to the question, and you are directed to respond to the question.

Mr. PASS. I shall decline to answer that question on the following grounds, and I would like to have leave to answer this question fully in my own way. I will try not to be argumentative.

Mr. MOULDER. If you are going to answer the question, yes; you may. You can make any comment or discussion you wish.

Mr. PASS. I would like to correct that I am going to decline to answer the question.

Mr. MOULDER. You may give your reasons for declining.

Mr. JACKSON. His constitutional reasons for declining.

Mr. TAVENNER. May I suggest that they should be confined to legal grounds and not to reasons or excuses.

Mr. PASS. I am not going to resort to any excuses. I don't feel I have to resort to any excuses before this committee because my record as an American is, I think, a fine one.

Mr. MOULDER. The point is, do you want to use your personal feelings and opinions of the committee as a basis or reason for declining to answer? Or do you want to use, as a basis, a legal reason?

Mr. PASS. It is very difficult to separate them. However, I will try to keep as close to legal reasons as possible.

Now, to begin with, I feel that this committee is created—

Mr. MOULDER. Wait a minute.

We cannot tolerate that. What you feel about the committee has nothing whatsoever to do with your response to the question. Either decline to answer or answer the question.

Mr. PASS. I am going to answer on the basis of the first amendment. And I will go further—

Mr. MOULDER. Are you going to answer the question?

Mr. PASS. I am going to decline to answer in my own way on the basis of the first amendment—

Mr. MOULDER. You don't have to do it in your own way. Just simply decline.

Mr. PASS. I am going to decline to answer because I feel—

I beg your pardon.

(The witness confers with his counsel.)

Mr. PASS. I am going to give you my reasons to answer. These are my reasons, legal reasons, and I am going to have to insist on giving my reasons my own way.

Mr. JACKSON. We are going to have to insist that—

Mr. PASS. This committee—

Mr. MOULDER. Do it in a legal way and conform with the laws of our land.

Mr. PASS (continuing). Blacklisting people, and they result in the cancellation, for example, of the Symphony of the Air tour to Europe. And this invasion of the first amendment—

Mr. MOULDER. Just a minute.

What was the question?

Mr. PASS. This is an invasion of the first amendment—

Mr. MOULDER. What was the question asked him?

Mr. TAVENNER. I asked the witness if during the period of 1947 and 1948 he had knowledge of the existence of an organized group of the Communist Party composed principally of members of the musicians' profession.

Mr. MOULDER. Do you have such knowledge or not?

(The witness confers with his counsel.)

Mr. PASS. I will further decline to answer this question on the following grounds:

Mr. MOULDER. We do not have enough time to listen to all of your grounds. If you are not going to—

Mr. PASS. If you don't have enough time you can call off the hearings right now.

You came 2,000 miles to waste the taxpayers' money and you can listen to me for another 5 or 10 minutes.

Mr. MOULDER. We won't tolerate your stalling.

Mr. JACKSON. I am going to stress, if he makes a speech—

Mr. PASS. You are making a speech, too.

Mr. JACKSON. I am going to ask that it be stricken from the record.

Mr. PASS. I resent that. You are making speeches, too.

Mr. JACKSON. The time I have taken all day compared to your last 5 minutes is infinitesimal.

Mr. PASS. You are not on the stand.

Mr. MOULDER. Do you decline? And is the basis for your declining to answer the first and fifth amendments?

Mr. PASS. I am giving my reasons. I will give them my own way.

Mr. MOULDER. Do you claim the first and fifth amendments?

Mr. PASS. I will claim my own amendments in the order I choose.

Mr. MOULDER. Do you claim any provision of the Constitution for declining to answer?

Mr. PASS. I will answer in my own way.

Mr. MOULDER. Let me ask you this question:

Do you claim any provision of the Constitution?

Mr. PASS. I will not have you tell me how to claim my privileges.

Mr. MOULDER. I am asking you. Are you claiming any privileges of the Constitution?

Mr. PASS. I am going to claim the privilege of the Constitution, and not be threatened or prompted by the committee in telling me.

Mr. JACKSON. No one is telling you. We are asking you to please get to your constitutional reasons for declining to answer the questions.

Mr. PASS. That is exactly what I am doing, Mr. Jackson. If you will stop talking, I will give them.

Mr. JACKSON. If you will start talking I will stop.

Mr. PASS. I will start.

Mr. JACKSON. Start now.

Mr. PASS. On the first amendment—

Mr. MOULDER. Do you use the first amendment?

Mr. PASS. Yes; I do.

Mr. MOULDER. Very well. Any other reasons?

Mr. PASS. I am going to tell you my reasons under the first amendment because the first amendment allows freedom of association, and freedom—

(The witness confers with his counsel.)

Mr. MOULDER. The first amendment speaks for itself. We understand that.

You decline to answer behind the protection, or for the reason of the protection of the first amendment.

Mr. PASS. My answer is I am going to decline to answer on the basis of the ninth and tenth amendments, which provides that Congress—

Mr. MOULDER. We know what the ninth and tenth amendments provide. We think the courts of our country know what they provide.

Mr. PASS. If you know what it was, I wish you would stand on it and meet the the letter and spirit of the ninth and tenth amendments.

(The witness confers with his counsel.)

Mr. PASS. I would like to get to my reasons under the first amendment because obviously this committee doesn't understand the pertinent—

Mr. JACKSON. I ask that all remarks of the witness, comments of the witness following his declaration of the first amendment be stricken from the record.

Mr. MOULDER. You claim the first, ninth and tenth amendments, as I understand, for declining to answer.

Mr. JACKSON. All of them are constitutional grounds. He has every right to take them. He has no right to make a speech haranguing the committee.

Mr. MOULDER. Proceed to the next question, Mr. Tavenner.

Mr. TAVENNER. Mr. Chairman, if he has relied solely on the first amendment—

Mr. PASS. You feel the committee has a right to make a speech.

Mr. TAVENNER. If he has relied solely on the first and tenth amendments—

Mr. PASS. I have not relied solely on them. I am stating my grounds. I am trying to state my grounds in my own way.

Mr. TAVENNER. I will have to ask that the chairman direct the witness to answer because he has not stated any legally sufficient grounds for refusing to answer.

Mr. MOULDER. The witness is directed to answer.

Mr. PASS. May I continue to make my grounds for declining to answer this question?

Mr. SCHERER. If the Chair please, this witness is following a deliberate plan, with the assistance of his counsel here—

Mr. PASS. Very able counsel.

Mr. PESTANA. I object to the remarks about counsel.

Mr. SCHERER. With assistance of counsel—

Mr. PESTANA. The Congressman knows counsel has a right to advise with his client.

Mr. SCHERER. To deliberately defy—

Wait a minute. I'm talking.

Mr. PESTANA. I am appalled at the ignorance of the Congressman in trying to interfere with as basic a right as we have here involved.

Mr. JACKSON. It is quite apparent that counsel is prompting the witness in words as to what his exact answer is to be.

Mr. SCHERER. I heard counsel. I can't help hearing him.

You have deliberately told this witness what to say.

Mr. PASS. What is wrong with that? Do you mean to say I can't get advice from my counsel?

Mr. JACKSON. Advice; not the parroted words of your counsel. Advice as to your constitutional rights.

Mr. PASS. I haven't used any words—

Mr. SCHERER. Counsel deliberately instructed the witness to defy the ruling of the Chair, and has put words in his mouth.

Mr. PESTANA. I deny that, Mr. Congressman. And I think your interference with the privilege of attorney and client is dastardly and disgraceful on our country. If you heard something you should have informed counsel to speak a little lower so that that right would be preserved.

Mr. MOULDER. I ask the officer in charge keep a very careful check on the people who are demonstrating.

Mr. SCHERER. I am not very proud of some of the members of the bar at times.

Mr. PESTANA. I am. That is very obvious.

Mr. MOULDER. We will have counsel removed from the hearing room if you proceed to argue with members of the committee.

Mr. PESTANA. I don't wish to argue.

Mr. MOULDER. I myself want to be very fair and very tolerant and very considerate, and have always been on this committee. I don't wish to tolerate stalling and haranguing on the part of the witness or on the part of his counsel. You have a right to confer with your client. You have a right to advise him as to his answers. There is no dispute about that.

Let's proceed with the hearing.

Mr. PESTANA. May I respectfully suggest that nine-tenths of the time that has been consumed in this hearing has been taken up by the members of this committee, not including yourself, at least as to my client.

Mr. MOULDER. If you do not cease immediately you will have to be removed from the hearing room.

Mr. PESTANA. I wanted to make that clear.

Mr. MOULDER. We will proceed with the hearing of this witness without benefit of counsel. He will find counsel that will not conduct himself as you are.

Mr. DOYLE. May I just read from our rules so we will thoroughly understand what the area of counsel is. I read from rule 7:

The participation of counsel during the course of any hearing, and while the witness is testifying, shall be limited to advising said witness as to his legal rights. Counsel shall not be permitted to engage in oral argument with the committee, but shall confine his activity to the area of legal advice to his client.

And that does not include the putting of words into the mouth of the witness.

Mr. MOULDER. We do not know whether he is putting words in the mouth of the witness or not. I haven't ascertained that. I am not arguing with you about that. You have a right to confer with your client and consult with him on what you see as confidential between you. I am not accusing you of putting words in the mouth of the witness.

But let us get along with this hearing.

Mr. PASS. Thank you, Mr. Chairman.

Mr. PESTANA. Thank you, Mr. Chairman.

Mr. TAVENNER. I think I should ask the witness whether he relies on the fifth amendment as one of his grounds for refusal to answer the question I asked him. He can answer that question "yes" or "no."

(The witness confers with his counsel.)

Mr. PASS. Pursuant to my previous thoughts, I would like to give my answer in my own way according to how I feel. Now I am going to continue to give my reasons for—

Mr. TAVENNER. This is not a question of how the witness feels.

Mr. MOULDER. That is not responsive to the question.

Mr. PASS. What was the question?

Mr. MOULDER. The witness is directed to answer the question, and we would advise you this, for your own protection—

Mr. PASS. I realize that.

Mr. MOULDER. That you are endangering yourself of being in contempt whether you like the proceedings conducted by the committee or whether you approve the committee's actions or investigations or not.

Therefore, for your own protection and benefit, it is our duty to advise you that there is a possible danger that by your refusal to answer the question in a sensible and fair way, you might be guilty of contempt.

And you are further advised that by going into a lengthy harangue and argument with members of the committee concerning your opinion of this committee, reasons which are in no way connected with the question asked you, might make you guilty of contempt.

Therefore, give a direct answer to the question or directly refuse to answer, as you please, by claiming the privileges of the Constitution.

Mr. PASS. I feel I have a right to decline to answer in my own way.

Mr. JACKSON. No, you have no right to decline to answer in your own way.

Mr. PASS. To give any constitutional and legal grounds in my own way.

Mr. TAVENNER. Every opportunity has been given to this witness to claim the privilege—

Mr. PASS. Would you please repeat the question?

Mr. TAVENNER. If he desires to do so. He has not done so. I am not going to ask him any further questions.

Mr. PASS. Would you please repeat the question?

Mr. TAVENNER. I have no further questions. He has been given every reasonable opportunity a man could be given.

Mr. SCHERER. I move the witness be ordered to leave the witness stand.

Mr. PASS. I wish to state my grounds. I am relying on the fifth amendment, and the reason—

Mr. JACKSON. I ask that the witness be excused.

Mr. MOULDER. The witness is excused.

Mr. PASS. There is no implication of guilt.

Mr. TAVENNER. Mr. Chairman, I desire to offer into evidence, and have marked as "Pass Exhibit No. 1," an affidavit of registration bearing date of the 27th day of February 1948, in the name of Joseph Pass, which expresses an intention to affiliate with the Independent Progressive Party of California.

(This exhibit is similar to Waddilove exhibit No. 1, p. 3664, and will not be reproduced in the printed record. It is on file in the committee's records.)

Mr. MOULDER. Without objection, it is so ordered.

Mr. TAVENNER. I also desire to offer in evidence a second affidavit of registration bearing date of April 20, 1948, of Joseph Pass, in which he states his intention to affiliate with the Independent Progressive Party of California. I ask that it be marked "Pass Exhibit No. 2."

(This exhibit is similar to Waddilove exhibit No. 2, p. 3665, and will not be reproduced in the printed record. It is on file in the committee's records.)

Mr. MOULDER. Without objection, it is so ordered.

Mr. TAVENNER. I also offer in evidence a photostatic copy of an election petition to put the Independent Progressive Party of California on the ballot, at the end of which there is an affidavit signed by a person named Joseph Pass, bearing date the 3d day of February 1948. I ask that it be marked "Pass Exhibit No. 3."

(This exhibit is similar to Waddilove exhibit No. 3, p. 3667, and will not be reproduced in the printed record. It is on file in the committee's records.)

Mr. MOULDER. Without objection, it is so ordered.

Mr. TAVENNER. I also offer in evidence two photostatic copies of membership cards in the East Hollywood Branch of the Independent Progressive Party, bearing date the 16th day of February 1954, and the 11th day of February 1953, respectively and ask that they be marked "Pass Exhibits Nos. 4 and 5," respectively, for identification purposes only and to be retained in the committee's files.

Mr. MOULDER. Without objection, it is so ordered.

Now may I ask counsel to give a very brief statement of all the exhibits admitted in evidence as they relate to the witness who has just been excused.

Mr. TAVENNER. Those exhibits show the participation of this witness in the activities which the first witness this morning described as having been taken by members of the Communist Party at the instance of the Communist Party, namely, that of registration in the Independent Progressive Party, and the circulation of petitions.

I want also to make reference to the January 13, 1953, issue of the Daily People's World and to a statement that Joe Pass was one of a delegation to the city of Washington in the Rosenberg case, which was a subject of investigation in Washington within the past year, and

in which this committee sought to determine the Communist Party affiliations of many persons active throughout the United States in that movement.

Mr. JACKSON. In light of what we have already experienced here today and what will certainly transpire again later on in the week, I would make the request of the chairman that the clerk of the committee be instructed to communicate with the bar of the city of Los Angeles, and the bar of the State of California, inviting them to send observers to the hearings during the balance of the week.

Mr. MOULDER. Very well. May I ask is that agreeable with the other members of the committee?

Mr. SCHERER. I will second the motion, certainly.

Mr. MOULDER. Without objection, by unanimous request, the invitation, as moved by Congressman Jackson, is ordered to be extended by the clerk of the committee.

The committee will stand in recess for 5 minutes.

(Whereupon, a short recess was taken, Representatives Moulder, Doyle, Jackson, and Scherer being present.)

(At the expiration of the recess the committee was reconvened, Representatives Moulder and Doyle being present.)

Mr. MOULDER. Mr. Tavenner, will you call your next witness, please.

Mr. TAVENNER. Mr. Samuel Berland, B-e-r-l-a-n-d.

Mr. MOULDER. You are Mr. Berland?

Mr. BERLAND. Yes, sir.

Mr. MOULDER. Will you hold up your right hand and be sworn.

Do you solemnly swear the testimony which you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BERLAND. I do.

(Representative Gordon H. Scherer entered the hearing room at this point.)

Mr. MOULDER. It has been suggested by counsel that the witness be sworn in again, while a quorum is present.

Do you solemnly swear that the testimony which you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BERLAND. I do.

TESTIMONY OF SAMUEL BERLAND, ACCCOMPANIED BY COUNSEL, GRANT B. COOPER

Mr. TEVENNER. Will you state your full name, please.

Mr. BERLAND. Samuel J. Berland.

Mr. TAVENNER. Will you spell your last name?

Mr. BERLAND. B-e-r-l-a-n-d.

Mr. TAVENNER. It is noted that the witness is accompanied by counsel.

Will counsel please identify himself for the record.

Mr. COOPER. My name is Grant B. Cooper, C-o-o-p-e-r.

Mr. TAVENNER. When and where were you born, Mr. Berland?

Mr. BERLAND. I was born on August 5, 1911, New York City.

Mr. TAVENNER. Do you now reside in Los Angeles?

Mr. BERLAND. I do.

Mr. TAVENNER. How long have you been a resident of Los Angeles?

Mr. BERLAND. Since 1946.

Mr. TAVENNER. And had you lived in this area at any time prior to 1946?

Mr. BERLAND. No, sir.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been.

Mr. BERLAND. High school graduate.

Mr. TAVENNER. What is your profession or occupation?

Mr. BERLAND. I am a builder and developer.

Mr. TAVENNER. Is that another way of saying contractor? What is the distinction between a contractor and a builder?

Mr. BERLAND. I don't have a contractor's license.

(The witness confers with his counsel.)

Mr. TAVENNER. What do you mean by builder and developer?

Mr. BERLAND. Let me say I am associated in the building and land-development business. I may associate with people who have contractors' licenses.

Mr. TAVENNER. How long have you been engaged in that business?

Mr. BERLAND. Since 1950.

Mr. TAVENNER. Will you tell the committee, please, what your employment has been in Los Angeles since 1946 when you first arrived here?

Mr. BERLAND. I respectfully decline to answer because it may tend to incriminate me.

Mr. TAVENNER. In what business were you engaged before 1950?

Mr. BERLAND. I must decline to answer that again for the same reason.

Mr. TAVENNER. Was your business prior to 1950 that of a developer and builder of real estate?

(The witness confers with his counsel.)

Mr. BERLAND. Just a minute.

(The witness confers with his counsel.)

Mr. BERLAND. The same answer. I decline to answer for the same reasons.

Mr. TAVENNER. How were you employed in 1948?

Mr. BERLAND. The same answer.

Mr. TAVENNER. Where did you live in 1948?

Mr. BERLAND. Same answer. I decline, I respectfully decline to answer because that answer may tend to incriminate me.

Mr. TAVENNER. In 1948 were you an international representative of the United Public Workers of America, CIO?

Mr. BERLAND. I respectfully decline to answer that question, gentlemen, because of the same grounds.

Mr. TAVENNER. How could it be incriminating to tell this committee whether or not you were an international representative of the United Public Workers of America at that time?

Mr. BERLAND. Same answer.

Mr. SCHERER. Mr. Chairman, I ask that you direct the witness to answer the question.

Mr. MOULDER. The witness is directed to answer the question.

Mr. BERLAND. I respectfully decline to answer because it may tend to incriminate me.

Mr. MOULDER. The reason for directing you to answer is not to threaten you, but purely to remind you of the dangers that may be involved in connection with contempt proceedings as a result of your refusal to answer.

Mr. BERLAND. Thank you, sir.

Mr. TAVENNER. Did you reside at 12050 Clover Avenue, Los Angeles, in February of 1948?

(The witness confers with his counsel.)

Mr. BERLAND. I decline to answer for the same reasons.

Mr. DOYLE. Mr. Chairman, I move you instruct the witness to answer. Certainly the fact where he lived in that year could not possibly incriminate him.

Mr. MOULDER. On the request of Mr. Doyle, and without objection on the part of any other members of the committee, the witness is so directed to answer the question.

(Representative Donald L. Jackson entered the hearing room at this point.)

Mr. BERLAND. The same answer, gentlemen.

Mr. TAVENNER. Were you aware of the existence of an organized group of the Communist Party in 1948 known as the Heywood, H-e-y-w-o-o-d, Section, Southern Division, of the Los Angeles County Communist Party?

Mr. BERLAND. The same answer.

Mr. TAVENNER. Were you a member of the Communist Party in 1948?

Mr. BERLAND. The same answer.

Mr. TAVENNER. Are you now a member of the Communist Party.

Mr. BERLAND. The same answer.

Mr. TAVENNER. Have you been a member of the Communist Party since 1950, the time when you say you began work in the builder and developer business in Los Angeles?

Mr. BERLAND. The same answer, gentlemen.

Mr. TAVENNER. In 1948 were you aware of an effort being made by the Communist Party to do organizational work within the Independent Progressive Party in California?

Mr. BERLAND. The same answer, sir.

Mr. TAVENNER. It is a fact, is it not, that you were a member of the State Central Committee of the Independent Progressive Party at one time?

Mr. BERLAND. The same answer, sir.

Mr. TAVENNER. In the course of the committee's investigation we obtained a photostatic copy of a letter bearing date 28th day of July, 1948, addressed to the Secretary of State of the State of California, showing that you had been appointed a delegate from Los Angeles County, the 61st Assembly District, to a State convention of the Independent Progressive Party in California. Will you examine it and state whether or not you were such a delegate from the 61st Assembly District.

(Document handed to witness and his counsel.)

Mr. BERLAND (after examining document). I respectfully decline to answer for the same reason.

Mr. TAVENNER. I desire to introduce this letter in evidence and ask that it be marked "Berland Exhibit No. 1."

Mr. MOULDER. Without objection, it is so ordered.

BERLAND EXHIBIT No. 1

• OFFICERS

Hugh Bryson
Chairman
James Daugherty
Vice-Chairman

L. H. McMillen
Secretary
A. B. Goolsby
Treasurer

Miss Elinor Kahn
State Director

• REGIONAL OFFICE

Harper W. Poulsen
Director
Mrs. Ruth Slade
Campaign Manager

organizing committee

**INDEPENDENT
PROGRESSIVE
PARTY of California**

426 SO. SPRING STREET • LOS ANGELES
MADison 6-4853

NEW ADDRESS:

2960 West Eighth Street
Los Angeles 5, Calif.
DRexel 5211

July 28, 1948

Secretary of State Jordan
State Capital
Sacramento, California

Dear Sir:

Enclosed are the credentials for "appointive" delegates from Los Angeles County. They cover the following Senatorial and Assembly Districts:

38th Senatorial District - Mervin H. Witt
40th A.D. - Robert Henry Hynds
41st A.D. - Matthew I. Matison
42nd A.D. - Mrs. Vera MacMurray
43rd A.D. - Mrs. Nancy Reeves
44th A.D. - Mrs. Ruth Slade
47th A.D. - Jerry Gaiter
48th A.D. - Gilbert Laurence
49th A.D. - Mrs. Irma W. Shadé
53rd A.D. - James R. Batchelor
54th A.D. - Paul E. Hartz
55th A.D. - Edmond Rosen
57th A.D. - Maurice W. Howard
58th A.D. - Joe Steinberg
59th A.D. - Lincoln Wager
61st A.D. - Samuel J. Berland
62nd A.D. - Charlotte A. Baas (Mrs.)
64th A.D. - Hugh E. Macbeth, Jr.
66th A.D. - Edward L. Barnes
68th A.D. - Phyllis Wager (Mrs.)
71st A.D. - Benjamin Silverman

In all other districts in Los Angeles County, there are "nominee" delegates, with the exception of the 12th and 17th Congressional Districts.

Appointments of members to the State Central Committee by each of the "appointive" delegates to the convention, are in the mail to you, under separate cover, being sent by the "appointive" delegates individually.

Yours very truly,

Ruth Slade
Ruth Slade
Secretary

Mr. TAVENNER. I hand you a photostatic copy of an appointment, directed to the secretary of state of the State of California, indicating that you had been appointed a delegate to fill a vacancy in the 61st assembly district by the Independent Progressive Central Committee to the party's State convention. Will you examine it, please, and state whether or not you did hold the position indicated there.

(Document handed to the witness.)

Mr. BERLAND. I respectfully decline to answer for the same grounds.

Mr. TAVENNER. I offer the document in evidence, and ask that it be marked "Berland Exhibit No. 2."

Mr. MOULDER. Is your reason for declining to answer the question based upon the fifth amendment, in that your answer might tend to incriminate you?

Mr. BERLAND. That is right.

Mr. MOULDER. Without objection, the exhibit offered by counsel is admitted in evidence.

BERLAND EXHIBIT NO. 2

To the Secretary of State of the State of California:

This is to certify that the Los Angeles County
 Independent Progressive Central Committee at a regular meeting held on
 the 13th day of July, 1948, by action of a majority of the
 members of said committee appointed SAMUEL J. BERLAND
 P.O. Address 12050 Clover Avenue, Los Angeles, California
 delegate to the Independent Progressive State Convention to be held in
 the City of Sacramento, State of California, on the 7th day of August,
 1948, in accordance with Sections 2796, etc. of the California Elections
 Code to fill the vacancy which exists in the 61st Assembly
 District, where there is no "hold-over delegate" nor "nominee delegate"
 of the party.

Edward Mosk
 Chairman

Ruth Stade
 Secretary

Mr. TAVENNER. Were you aware in 1948 of the plan of the Communist Party to secure registration of its members in the Independent Progressive Party in California?

Mr. BERLAND. I respectfully decline to answer on the same grounds.

Mr. TAVENNER. Did you so register on the 27th day of February 1948, as indicated by this photostatic copy of an affidavit of registration, which I hand you. It is marked for identification as "Berland Exhibit No. 3."

(Document handed to the witness.)

Mr. BERLAND. The same answer, sir.

Mr. TAVENNER. I offer the document in evidence, and ask that it be marked "Berland Exhibit No. 3."

Mr. MOULDER. Without objection, it is so ordered.

(This exhibit is similar to Waddilove exhibit No. 1, p. 3664, and will not be reproduced in the printed record. It is on file in the committee's records.)

Mr. TAVENNER. Were you not active in the area of Los Angeles in 1948 and up through 1950 at least in the work of the Independent Progressive Party?

Mr. BERLAND. I decline to answer for the same reason, sir.

Mr. TAVENNER. I have before me various issues of the Daily People's World. Here is one of January 30, 1950, showing that Samuel J. Berland, international representative of the CIO, United Public Workers, was to make a general report at a meeting to be held on February 7, 1950.

Were you solicited by the Communist Party to engage in that type of activity?

Mr. BERLAND. I am sorry, sir; I didn't understand the question. I remember you started to read something, and then—

Mr. TAVENNER. I say I have before me an issue of the Daily People's World showing that you were to participate by making a general report on the Independent Progressive Party's campaign in the 16th Congressional District.

Were you solicited to do that work by the Communist Party?

Mr. MOULDER. May I suggest that he first be asked whether or not he did that work, and then ask whether or not he was solicited by the Communist Party to do it.

Mr. BERLAND. One answer at a time.

I will decline to answer the first for the same reason. And I will decline to answer the second question for the same reason.

Mr. TAVENNER. Then your answer is the same.

In other words, Mr. Berland, you refuse to tell this committee what your position in the Independent Progressive Party was, or any connection that the Communist Party may have had with your work in that group. Do I understand that?

Mr. BERLAND. I am sorry.

Mr. TAVENNER. I will withdraw the question rather than repeat it.

I have before me a photostatic copy of the July 21, 1950, issue of the Daily People's World which shows that Sam Berland, United Public Workers International representative, was one of those seeking the signing of the Stockholm Peace Appeal petitions in the area of Los Angeles. Do you recall engaging in work of that character?

Mr. BERLAND. The same answer, gentlemen; declination for the same reason.

Mr. TAVENNER. According to an issue of the Daily People's World under date of March 29, 1949, it is stated that Sam Berland will chair a meeting being sponsored by the Independent Progressive Party's Ven-Mar Club. Do you recall whether or not you did act as chairman of such meeting?

Mr. BERLAND. I decline to answer for the same reason.

Mr. TAVENNER. Are you acquainted with a person by the name of Sylvia Lardner?

Mr. BERLAND. I respectfully decline to answer that question for the same reason.

Mr. TAVENNER. Is Sylvia Lardner now one of the partners with you in the builder and developer business which you have described?

Mr. BERLAND. I respectfully decline to answer that question on the same grounds.

Mr. TAVENNER. Are you acquainted with Carter Darnell?

Mr. BERLAND. The same answer.

Mr. TAVENNER. Is Carter Darnell a partner of yours in the builder and developer business in the city of Los Angeles?

Mr. BERLAND. The same answer, sir.

Mr. TAVENNER. Not in the city of Los Angeles, but at Garden Grove.

Mr. BERLAND. Still the same answer.

Mr. TAVENNER. What is the name of the partnership under which you and others are operating at the present time in that business?

Mr. BERLAND. Will you repeat that question, sir?

Mr. TAVENNER. What is the name of the partnership in which you are engaged in the builder and developer business?

Mr. MOULDER. The business name under which he operates?

Mr. TAVENNER. That is right.

Mr. BERLAND. I respectfully decline to answer that question on the same grounds.

(The witness confers with his counsel.)

Mr. TAVENNER. In the practice of your business as a builder and developer is it customary for you to procure from the Veterans' Administration certificates of reasonable value of properties which you are offering for sale as a basis for the borrowing of money?

(The witness confers with his counsel.)

Mr. JACKSON. Mr. Chairman, may I inquire if there is a reason for this line of questioning related to the subject of the inquiry?

(Whereupon, the committee and committee counsel confer.)

(The witness confers with his counsel.)

Mr. BERLAND. Gentlemen, upon advice of counsel, I wish to say that I believe that this question is not pertinent, and beyond the scope of the committee.

Mr. MOULDER. We agree to that.

Mr. TAVENNER. Do you know whether the person I inquired about—Sylvia Lardner—is now the wife of Carter Darnell?

(The witness confers with his counsel.)

Mr. BERLAND. I respectfully decline to answer that question for the same reason.

Mr. TAVENNER. Have you at any time been a member of the Communist Party?

I have asked you that question as to certain specific dates, but I am asking you now whether at any time you have been a member of the Communist Party.

Mr. BERLAND. I respectfully decline to answer that question on the same grounds.

Mr. TAVENNER. Are you a member of the Communist Party now?

Mr. BERLAND. The same answer.

Mr. TAVENNER. I have no further questions.

Mr. MOULDER. Mr. Doyle, do you have any questions to ask this witness?

Mr. DOYLE. I wish to make this statement. I have often stated it.

I can understand how many patriotic Americans would join the Communist Party in our country prior to May 1945, which was the year, I believe, that Earl Browder was expelled from leadership in the American Communist Party. But, for the life of me, I have never yet been able to understand how successful American businessmen could fail to have had their eyes opened within a year or two after May 1945, as to the real objectives of the Soviet conspiracy.

Mr. BERLAND. The record will show I never admitted any membership.

Mr. DOYLE. I am not inferring that you did admit anything. I am just saying that, as one American citizen to you, sir, because I do know that your business operations are very successful dollarwise and you are in a position to do great service to your country which has blessed your financial welfare. I hope you will distribute some of that blessing in vigorous, patriotic endeavor to other people.

Mr. BERLAND. That I will do. That I will surely do. Am I excused, sir?

Mr. MOULDER. Any questions?

Do you have any questions, Mr. Jackson?

Mr. JACKSON. I yield to Mr. Scherer.

Mr. SCHERER. I just want to make this observation:

Here we have a witness who has invoked the fifth amendment to almost every pertinent question asked. Yet he has done so without rancor and without malice, and he has done so respectfully in a dignified manner.

And, also, counsel, I think, has acted in a professional and dignified manner in this instance. And it clearly demonstrates how quickly you can dispose of a witness when he follows the law.

Mr. MOULDER. Do you have any further comment to make?

Mr. BERLAND. No.

Mr. JACKSON. I should like to associate myself with the gentleman from Ohio with respect to the manner of representation of the present witness.

Mr. COOPER. Thank you, gentlemen.

Mr. MOULDER. However, we do not agree with the lack of information.

Mr. JACKSON. Yes; I could almost have a friendly feeling toward the witness.

Mr. MOULDER. The witness is excused.

Mr. TAVENNER. Sylvia Lardner.

Mr. MOULDER. Will you be sworn as a witness?

Do you solemnly swear the testimony which you are about to give before the committee will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mrs. DARNELL. I do.

TESTIMONY OF SYLVIA LARDNER DARNELL (MRS. CARTER DARNELL), ACCOMPANIED BY COUNSEL, GRANT B. COOPER

Mr. TAVENNER. What is your name, please?

Mrs. DARNELL. Sylvia Darnell.

Mr. TAVENNER. Were you subpeneaed under the name of Sylvia Lardner?

Mrs. DARNELL. Yes. I have just recently been married—in September of 1955.

Mr. TAVENNER. Were you born in Los Angeles?

Mrs. DARNELL. No. I was born in New York City, March 3, 1913.

Mr. TAVENNER. When did you move to California?

Mrs. DARNELL. In June of 1934.

Mr. TAVENNER. What is your present profession or occupation?

Mrs. DARNELL. I am an associate in the Hale Co. I am sorry—

Mr. MOULDER. What was the position?

Mr. COOPER. She said she was an associate in the Hale Co.

Mr. TAVENNER. I did not understand the name.

Is that the same company with which Mr. Carter Darnell is an associate?

Mrs. DARNELL. May I ask my counsel a question?

Mr. TAVENNER. Surely.

Just a moment. I withdraw that question because I understand the two of you are now married.

Mrs. DARNELL. That is right.

Mr. TAVENNER. Is it the same company in which Mr. Samuel Berland, who was just on the stand, is an associate?

(The witness confers with her counsel.)

Mrs. DARNELL. I would like to have the opportunity to decline to answer that question on the grounds of possible incrimination.

Mr. TAVENNER. Do you refuse to answer on that ground?

Mrs. DARNELL. I do, sir.

Mr. COOPER. Mr. Chairman, may the record show that hereafter when the witness declines, she will decline on the same ground in the interest of time?

Mr. MOULDER. Yes. Where the witness declines to answer and states for the same reasons, it will be understood that she has declined

to answer the question claiming the provisions and protection of the fifth amendment, in that her answer might tend to incriminate her.

Mr. TAVENNER. Were you a member of the Communist Party at any time between 1945 and 1948?

Mrs. DARNELL. I will decline to answer for the same reason stated, if that is an accurate statement.

Mr. TAVENNER. Have you been a member of the Communist Party at any time since 1950?

Mrs. DARNELL. I have not.

Mr. TAVENNER. When did you enter into the business in which you are now associated?

Mrs. DARNELL. 1953.

Mr. TAVENNER. Have you been a member of the Communist Party at any time since 1953?

Mrs. DARNELL. I have not, sir.

Mr. TAVENNER. And you are not a member of the Communist Party now?

Mrs. DARNELL. Emphatically not.

Mr. TAVENNER. Were you a member of the Communist Party in 1952?

Mrs. DARNELL. I would like to decline to answer that question for the same reasons.

Mr. JACKSON. Do you so decline?

Mrs. DARNELL. I do. I am sorry I am making a mess of this, gentlemen, but I really can't keep it too straight.

Mr. TAVENNER. What was the nature of your employment in 1952?

Mrs. DARNELL. I was employed in—Would you please repeat that year? I am sorry.

Mr. COOPER. 1952.

Mrs. DARNELL. 1952. I will decline to answer that question for the same reasons.

Mr. TAVENNER. I have no further questions.

Mr. MOULDER. Any questions, Mr. Doyle?

Mr. DOYLE. I just have one question, Mrs. Darnell.

I couldn't help but notice, when our counsel asked you if you were now a member of the Communist Party, your answer was "emphatically not." Do you remember that phrase?

Mrs. DARNELL. I do.

Mr. DOYLE. Now when you said "emphatically not," did you have something in mind? Why did you use the words, "emphatically not"?

Mrs. DARNELL. I meant just that, I expect, sir.

Mr. MOULDER. Any questions, Mr. Jackson?

Mr. JACKSON. No questions.

Mr. MOULDER. Any questions, Mr. Scherer?

Mr. SCHERER. No questions.

Mr. MOULDER. Very well, the witness is excused.

Mr. TAVENNER. Mr. Carter Darnell.

Mr. MOULDER. Do you solemnly swear the testimony you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DARNELL. I do.

TESTIMONY OF CARTER DARNELL, ACCCOMPANIED BY COUNSEL,
GRANT B. COOPER

Mr. TAVENNER. What is your name, please?

Mr. DARNELL. Carter Darnell.

Mr. TAVENNER. It is noted that the witness is accompanied by the same counsel who appeared with the two preceding witnesses.

When and where were you born, Mr. Darnell?

Mr. DARNELL. I was born in Plano, P-l-a-n-o, Ill., 1920.

Mr. TAVENNER. Do you now reside in Los Angeles?

Mr. DARNELL. I reside in Newport Beach.

Mr. TAVENNER. How long have you resided in California?

Mr. DARNELL. Since approximately 1927.

Mr. TAVENNER. What is your occupation?

Mr. DARNELL. I am a contractor.

Mr. TAVENNER. Will you tell the committee briefly what your educational training has been?

Mr. DARNELL. I am substantially a college graduate without a degree. I hesitate to say what my education has been because it puts me in a rather peculiar position in this room. I was educated as a musician.

Mr. TAVENNER. There is certainly nothing to be ashamed of in stating that.

Since you have said that you are, I want to ask if you know anything about Communist Party activities among any group of musicians.

Mr. DARNELL. I respectfully decline to answer that question on the grounds of the fifth amendment.

Mr. COOPER. Mr. Chairman, may we have the same understanding, that if he should decline again it will be on the same ground?

Mr. MOULDER. Yes. At any time the witness claims the privilege of declining to answer and states for the same reason it will be understood that it will be for the reason just given by the witness.

Mr. TAVENNER. When did you enter into your profession of contractor?

Mr. DARNELL. I entered the contracting business in approximately 1948, Mr. Tavenner, and I can't remember the exact date.

Mr. TAVENNER. You said you were educated as a musician. Were you a professional musician at any time prior to 1948?

Mr. DARNELL. Unfortunately, no, sir. I guess I just didn't have what it takes.

Mr. TAVENNER. When did you complete your education? In what year?

Mr. DARNELL. It is difficult to say. The reason I spent so many years going to night school, I can't remember when I stopped. I went to UCLA extension at nights for a great many years. I can't give you the exact date I stopped going.

Mr. TAVENNER. What employment did you have prior to 1948?

Mr. DARNELL. I was employed by an oil company and a railroad company except during the time I was in the Army.

Mr. TAVENNER. Was that in construction work?

Mr. DARNELL. No, sir. That was administrative work.

Mr. MOULDER. In the Army?

Mr. DARNELL. Prior to the time I went in the Army I was employed by an oil company and a railroad company.

Mr. MOULDER. I believe the record should show what service you had in the armed services. Will you give us the information about that?

Mr. DARNELL. I was overseas in France, Belgium, and Germany for almost 2 years.

Mr. TAVENNER. What has been your employment since 1948?

Mr. DARNELL. It has been substantially all in the construction industry.

Mr. TAVENNER. By whom have you been employed since 1948?

Mr. DARNELL. May I confer with my counsel?

Mr. TAVENNER. Yes.

(The witness confers with his counsel.)

Mr. DARNELL. I decline to answer for the same reason.

Shall I speak up a little bit? I am afraid I get a hum in this microphone if I talk too loud.

Mr. TAVENNER. Let's run that risk.

Mr. DARNELL. I decline to answer for the same reason, sir.

Mr. TAVENNER. When did you begin your present employment, that of a contractor?

Mr. DARNELL. I don't quite understand the question. I have been in and around the construction business since approximately 1948.

Mr. TAVENNER. Are you associated at this time with Mr. Samuel Berland in the construction or building and development business?

Mr. DARNELL. I respectfully decline for the same reason, sir.

Mr. MOULDER. The Chair directs you to answer that question. I can't conceive of any reason how you could claim that being associated with the gentleman or any other person named in that particular business could possibly incriminate you.

(The witness confers with his counsel.)

Mr. DARNELL. I decline on the same grounds, sir.

Mr. TAVENNER. What has been the general nature of your contracting business in the past 3 years?

(The witness confers with his counsel.)

Mr. DARNELL. I respectfully refuse to answer the question because, upon advice of counsel, I believe it is beyond the scope of the investigation, sir.

Mr. TAVENNER. Have you been a member of the Communist Party at any time since January 1, 1953?

Mr. DARNELL. I decline for the same reason, sir.

Mr. TAVENNER. Are you a member of the Communist Party now?

Mr. DARNELL. No, sir.

Mr. TAVENNER. Were you a member of the Communist Party on January 1, 1956?

Mr. DARNELL. I decline for the same reason, sir.

Mr. TAVENNER. Were you a member of the Communist Party at the time process or subpna was served on you for your appearance before this committee?

(The witness confers with his counsel.)

Mr. DARNELL. No, sir.

Mr. TAVENNER. When was process served on you? Can you recall the approximate date?

Mr. DARNELL. I believe it was on the 6th, around the 6th of March, sir.

Mr. TAVENNER. Were you a member of the Communist Party on the 1st day of March?

Mr. DARNELL. I decline for the same reason, sir.

Mr. TAVENNER. But on the 6th you were not?

Mr. DARNELL. Is that a question?

Mr. TAVENNER. I am repeating what I understood your testimony to be.

Mr. DARNELL. I affirm that testimony, sir.

Mr. TAVENNER. What day was it, between the 1st day of March and the 6th day of March, that you ceased to be a member of the Communist Party?

(The witness confers with his counsel.)

Mr. COOPER. Mr. Chairman?

Mr. MOULDER. Yes.

Mr. COOPER. May I make a suggestion to Mr. Tavenner?

Mr. TAVENNER. I am always open to suggestion.

Mr. COOPER. Would you ask him if he has been a member of the Communist Party in the last 3 years?

Mr. TAVENNER. I did.

Mr. COOPER. Will you ask him that question again?

Mr. TAVENNER. I asked him if he had been a member of the Communist Party at any time since January 1, 1953. If the witness desires to change his testimony and explain it I would be very happy for him to do so.

(The witness confers with his counsel.)

Mr. DARNELL. The answer is "No," sir.

Mr. TAVENNER. I don't understand.

Mr. COOPER. The answer is "No," Mr. Tavenner.

Mr. TAVENNER. When I asked you that question a few moments ago you refused to answer.

Mr. COOPER. Might I suggest, Mr. Tavenner, that that was because of a misunderstanding. He discussed it with me and cleared up his misunderstanding.

Mr. TAVENNER. I want to know if that is his explanation.

Mr. DARNELL. Yes, sir.

Mr. MOULDER. May I ask you this question:

Regardless of whether you are or not, or ever have been a member of the Communist Party, what is your opinion and belief for or against the philosophy and the objectives of the Communist Party?

(The witness confers with his counsel.)

Mr. DARNELL. Would you repeat that question, please?

Mr. MOULDER. Would the reporter read the question back, please?

(The pending question was read by the reporter.)

Mr. DARNELL. I believe in the Government of the United States and all that it stands for, sir.

Mr. MOULDER. That is a very good answer.

Mr. TAVENNER. In 1948 were you a member of the Communist Party?

Mr. DARNELL. I decline on the same grounds.

Mr. TAVENNER. Did you take part in any plan of the Communist Party to assist the Independent Progressive Party in California, either

by your registration in that party or otherwise aiding and assisting the work of that party?

Mr. DARNELL. I decline on the same grounds, sir.

Mr. TAVENNER. Did you register on the 27th day of February 1948 as a member of the Independent Progressive Party of California, as indicated by a photostatic copy of an affidavit of registration which I hand you, marked "Darnell Exhibit No. 1" for identification?

(Document handed to the witness.)

Mr. DARNELL (after examining document). I respectfully decline on the same grounds.

Mr. TAVENNER. I desire to introduce the document in evidence, and ask that it be marked, "Darnell Exhibit No. 1."

(This exhibit is similar to Waddilove exhibit No. 1, p. 3664, and will not be reproduced in the printed record. It is on file in the committee's records.)

Mr. MOULDER. Without objection, it is so ordered.

Mr. TAVENNER. Were you a member of the Communist Party in 1949?

Mr. DARNELL. I respectfully decline on the same grounds.

Mr. TAVENNER. Were you a member of the Communist Party in 1950?

Mr. DARNELL. I respectfully decline on the same grounds.

Mr. TAVENNER. Were you a member of the Communist Party in 1951?

Mr. DARNELL. The same grounds.

Mr. MOULDER. Were you at any time a member of the Communist Party prior to the year 1953?

Mr. DARNELL. I decline on the same grounds.

Mr. TAVENNER. May I ask one specific question.

Were you a member of the Communist Party in 1952?

Mr. DARNELL. I decline on the same grounds, sir.

Mr. TAVENNER. What was your employment in 1952?

Mr. DARNELL. I decline on the same grounds, sir.

Mr. TAVENNER. I have no further questions.

Mr. MOULDER. Any questions, Mr. Doyle?

Mr. DOYLE. No questions.

Mr. MOULDER. Mr. Jackson?

Mr. JACKSON. No questions.

Mr. SCHERER. No questions.

Mr. MOULDER. The witness is excused.

Mr. JACKSON. Mr. Chairman, the committee is in receipt of two telegrams which bear upon one of the principal charges leveled against the committee and the conduct of these hearings, in that it has been alleged by the Citizens Committee to Preserve American Freedoms and the organization representing the subpoenaed musicians that this was an effort on the part of the committee to enter into a local labor dispute.

It has been requested by Mr. Cecil F. Read, vice president of Local 47, American Federation of Musicians, and by Mr. John Te Groen of the American Federation of Musicians, that these telegrams be read into the record. And, if it is your wish, I will do that at this time.

Mr. MOULDER. Without objection, the telegrams will be read into the record at this point.

Mr. JACKSON. The telegram from Mr. Read is as follows:

I have been assured that there is no connection between the present internal struggle of Local 47, A. F. of M., and the investigations being carried on by the House Un-American Activities Committee in Los Angeles. However, I would like to make the following statement so that the record may be complete and clear.

I am completely and unalterably opposed to the Communist Party and all that it stands for. From the beginning of my activities in local 47 and the American Federation of Musicians I have excluded from my workers and supporters anyone about who there was the slightest basis for the accusation of Communist or Communist sympathizers. It is unfortunate that the hearings of the House Un-American Activities Committee in Los Angeles follows so closely the hearings and trials that the A. F. of M. has been conducting in local 47. The bylaws of the A. F. of M. provide as follows, quote, Registration in the Communist, Nazi, or Fascist Party or membership in Communist-front organizations shall be deemed sufficient cause for the expulsion of any member, unquote. Any attempt by anyone to tie in any Communist or sympathizers with me or with the overwhelming majority of professional musicians of local 47 whom I represent is completely unjustified.

CECIL F. READ,
Vice President, Local 47, A. F. of M.

The telegram from Mr. John Te. Groen is as follows:

A factional fight between a group headed by Cecil Read, vice president of local 47, and a group headed by myself and the other officers of the local has been in progress for the past several months. This fight originated over certain policies of the American Federation of Musicians and is an international affair. It culminated in an attempt by the Read group to seize control of the local and in the trial of Read and 12 of his followers on charges of dual unionism and violating certain orders of the American Federation of Musicians. In view of the fact that the present controversy is being handled as an international matter within the framework of the federation, I cannot see how your investigation has anything to do with it. Certainly your investigation was not called at our request, and I have no reason to believe that the federation requested it. I respectfully suggest that the content of this telegram be entered into the Congressional Record.

JOHN TE. GROEN,
President, Local 47, A. F. of M.

Mr. MOULDER. I compliment the gentleman for putting those telegrams in the record at this point.

Mr. DOYLE. I have a letter dated April 2, 1956, from J. Edgar Hoover, the Director of the Federal Bureau of Investigation, Department of Justice, which I would like to read into the record at this time. I might state that this is in answer to my letter of inquiry to Mr. Hoover.

He says:

Hon. CLYDE DOYLE,
House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: Your letter of March 29, 1956, has been received, and I do appreciate your interest in my recent testimony before the House Appropriations Subcommittee. Unfortunately, I do not have copies available for distribution, but you may like to make inquiry with the office of the committee for the text.

(Representative Donald L. Jackson left the hearing room at this point.)

Mr. DOYLE (reading):

The American people owe a great debt of gratitude to the work over the years of congressional investigating committees. These committees, day after day, secure information vitally needed in the consideration of new legislation. They are indeed indispensable parts of the American legislative process.

Congressional investigating committees, moreover, time after time have brought to the attention of the Nation conditions of fraud, dishonesty, and subversion. This function of awakening public opinion is of the greatest importance in our democratic life—a service not within the province of regularly constituted investigative agencies. Congressional investigating committees, by the nature of the broad powers vested in them, are enabled to search out the facts and make them available to the citizenry.

We in the FBI have the highest appreciation for the contributions rendered by congressional investigating committees dealing with un-American activities. Each in its own way is serving the American people. The FBI is strictly a fact-gathering agency. It does not express opinions or make recommendations on the information it secures. That is the function of other officials of the Government. As the investigative arm of the Department of Justice, the FBI is charged with the duty of investigating violations of the laws of the United States, collecting evidence in cases in which the United States is or may be a party in interest, and performing other duties imposed by law. Its function is not exposure or securing information for legislative purposes. That is the function of the congressional investigating committees.

I feel that both the FBI and congressional investigating committees, in the field of internal security, have important roles to play. We are working for the same goal—protecting our great Nation from enemies who seek to destroy us. Our work is not contradictory but mutually helpful. That is as it should be.

It was a pleasure to set forth my opinions on this topic, and you may feel free to insert this letter in the Congressional Record.

Sincerely yours,

J. EDGAR HOOVER.

Mr. Chairman, manifestly, the reason I corresponded with this famous director, whose opinion, I think, is generally accepted by all patriotic American citizens, is that I occasionally received inquiries as to why there are congressional investigative committees. Why don't we let the FBI do all the work?

This is Mr. Hoover's reply to that inquiry.

Mr. MOULDER. Thank you for securing the letter Mr. Doyle. It is a contribution to have it read into the record.

Are you ready to proceed with the next witness, Mr. Tavenner?

Mr. TAVENNER. Yes.

Mr. Milton Kestenbaum, come forward, please.

Mr. MOULDER. Would you hold up your right hand and be sworn.

Do you solemnly swear that the testimony which you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. KESTENBAUM. I do.

TESTIMONY OF MILTON KESTENBAUM, ACCOMPANIED BY COUNSEL, ARTHUR A. BROOKS, JR.

Mr. TAVENNER. What is your name, please, sir?

Mr. KESTENBAUM. Milton Kestenbaum.

Mr. TAVENNER. Will you spell your last name?

Mr. KESTENBAUM. K-e-s-t-e-n-b-a-u-m.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record.

Mr. BROOKS. Yes; Arthur A. Brooks, Jr.

Mr. TAVENNER. Los Angeles?

Mr. BROOKS. Beverly Hills.

Mr. TAVENNER. Mr. Kestenbaum, when and where were you born?

Mr. KESTENBAUM. New York City, 1914.

Mr. TAVENNER. Do you now reside in Los Angeles?

Mr. KESTENBAUM. Yes; I do.

Mr. TAVENNER. How long have you lived here?

Mr. KESTENBAUM. Since approximately 1946 or 1947.

Mr. TAVENNER. What is your occupation or profession?

Mr. KESTENBAUM. I am a blacklisted musician.

Mr. TAVENNER. By any chance, are you also a member of the Communist Party?

Mr. KESTENBAUM. I don't think you have the right to pry into my private beliefs.

Your purposes here—

Mr. MOULDER. The witness is directed to respond to the question, or, by giving, if he wishes, the legal reasons for declining to answer. I urge the witness to do that.

Mr. KESTENBAUM. The first amendment guarantees me the right to my political beliefs, my beliefs to associate, my beliefs to worship as I please. That is an immoral question, and Mr. Tavenner knows it so.

(Representative Donald L. Jackson returned to the hearing room at this point.)

Mr. SCHIERER. I ask that you direct the witness to answer the question.

I might state that the committee does not accept his answer.

Mr. MOULDER. The witness is directed to answer, and may I explain, it is for your own protection that you are directed to answer. And it is called to your attention that by your refusal to answer without good cause and good faith, claiming to protection of the Constitution as a reason for not answering, you might place yourself in danger of being subject to prosecution for contempt.

Mr. KESTENBAUM. I answer under the rights guaranteed to me by the Bill of Rights, the first and fifth amendments.

Mr. MOULDER. Do you decline to answer, claiming that protection and for the reason that you claim the—

Mr. KESTENBAUM. The rights guaranteed to me.

Mr. JACKSON. Specifically the first and fifth amendments?

Mr. KESTENBAUM. And the fifth amendment.

Mr. TAVENNER. Were you aware of the existence of an organized group of the Communist Party in Los Angeles composed principally of members of the musicians' profession?

Mr. KESTENBAUM. I refuse to answer that on the same grounds.

Mr. TAVENNER. We heard testimony this morning that the chief objective of the organized group of the Communist Party, to which I have referred, in 1947 and 1948 was to support the Independent Progressive Party of California. Do you have any knowledge of the Communist Party decision to act in that field?

Mr. KESTENBAUM. When you have the right to go into the voting booth with me, then I will discuss my political opinions.

Mr. MOULDER. That was not the question. The answer is purely argumentative, and I urge the witness either to answer the question or decline to answer under the provisions of the Constitution.

Mr. KESTENBAUM. Mr. Tavenner knows he has no right to ask me that question.

Mr. MOULDER. The witness is directed to answer.

Mr. KESTENBAUM. I refuse to answer on the grounds stated, the first and fifth amendment.

Mr. TAVENNER. Did you, pursuant to Communist Party directive, register as a member of the Independent Progressive Party of California on the 23d day of February 1948?

Mr. KESTENBAUM. Is it subversive to register with a political party, Mr. Tavenner?

Mr. MOULDER. Did you so register?

Mr. KESTENBAUM. I didn't say so. I am just asking him a question, if that is an act of subversion.

Mr. MOULDER. Then you probably will decide that question by declining to answer for the reason of the first and fifth amendments.

Mr. KESTENBAUM. I asked Mr. Tavenner a question: If it is subversive to register with a political party.

Mr. SCHERER. You have no right to ask counsel questions.

If you don't want to answer questions invoke your privilege. You are here to answer.

Mr. DOYLE. May I undertake briefly to answer the witness' question.

It certainly is not subversive or un-American to register with any legal political party in California.

But we have plenty of evidence given under oath, by the witness this morning and many times in other hearings in California by admitted Communist Party leaders, and admitted Independent Progressive Party leaders in California, that the Communist Party in California was the initiator and prime mover in the formation of the IPP in California in 1947 and 1948.

This question is for the purpose of trying to learn the extent to which the Communist Party organized the IPP as a Communist front in California.

For instance, Mr. Waddilove, a member of your profession, stated this morning that the formation of a Communist front was actually what the IPP was.

That is why Mr. Tavenner asked you that question.

Mr. KESTENBAUM. I see.

The subversive list is so big that I can't keep up with all the subversive organizations. Is the IPP considered subversive?

Mr. DOYLE. We are investigating to discover the extent to which it was made subversive by the—

Mr. KESTENBAUM. Is it now considered a subversive organization?

Mr. DOYLE. By the infiltration and control of the Communist Party.

Mr. KESTENBAUM. Is it now considered a subversive organization?

Mr. JACKSON. According to the testimony of many witnesses, yes.

Mr. KESTENBAUM. According to testimony.

Mr. JACKSON. According to the sworn testimony of those who chose to give information in their possession to the committee, that is the fact.

Mr. SCHERER. I ask that you direct the witness to answer the question.

Mr. KESTENBAUM. Please repeat the last question.

Mr. TAVENNER. The question was whether or not, at the instance of the Communist Party, you registered as a member of the Independent Progressive Party of California on the 23d day of February 1948.

(The witness confers with his counsel.)

Mr. KESTENBAUM. I refuse to answer that question on the basis of the first amendment supplemented by the fifth.

Mr. TAVENNER. I hand you a photostatic copy of an affidavit of registration bearing the name of Milton Kestenbaum, and ask you whether or not the name appearing thereon is your signature? The document is marked "Kestenbaum Exhibit No. 1" for identification.

(Document handed to the witness and his counsel.)

Mr. KESTENBAUM. I refuse to answer that question on the basis of the first and fifth.

Mr. TAVENNER. I desire to introduce the document in evidence, and ask it be marked "Kestenbaum Exhibit No. 1."

(This exhibit is similar to "Waddilove Exhibit No. 1," p. 3664, and will not be reproduced in the printed record. It is on file in the committee's records.)

Mr. MOULDER. It is so ordered.

Mr. TAVENNER. Did you, at the instance of the Communist Party, participate in a plan to circulate petitions for the purpose of getting the Independent Progressive Party on the ballot in 1948?

Mr. KESTENBAUM. The same answer.

Mr. TAVENNER. I hand you a photostatic copy of a petition at the end of which appears an affidavit over the name of Milton Kestenbaum. I ask you to examine the petition and state whether or not the name appearing in the affidavit is yours or was signed by you. The document is marked "Kestenbaum Exhibit No. 2" for identification.

(Document handed to the witness and his counsel.)

Mr. KESTENBAUM. I refuse to answer that question on the basis of the first amendment supplemented by the fifth.

Mr. TAVENNER. I offer the document in evidence, and ask that it be marked "Kestenbaum Exhibit No. 2."

(This exhibit is similar to "Waddilove Exhibit No. 3," p. 3667, and will not be reproduced in the printed record. It is on file in the committee's records.)

Mr. MOULDER. It is ordered that the exhibit be so marked and admitted in evidence as requested by counsel.

Mr. TAVENNER. Were you a member of the Communist Party on the date of the affidavit which you have in your hand?

Mr. KESTENBAUM. I refuse to answer that question on the basis of the first and fifth amendments.

Mr. TAVENNER. I hand you photostatic copies of application cards for membership in the Wilshire Club of the Independent Progressive Party bearing the dates February 15, 1953, and March 21, 1954, respectively, and ask you whether they were your membership cards for those years? I will mark them "Kestenbaum Exhibits Nos. 3 and 4," respectively, for identification, and to be retained in the committee's files.

(Documents handed to the witness and his counsel.)

Mr. KESTENBAUM. I refuse to answer that question on the basis of the first and fifth amendments.

Mr. MOULDER. May I at this point make a comment.

A moment ago you inquired whether or not it was subversive or un-American to belong to a political party.

Of course, we all concur that it is not. It is a fundamental part of our democratic process in this country to be actively a member of legitimate political parties.

Then you inquired as to whether or not the IPP was cited as subversive.

I am just curious to know why you refuse to answer that question if the IPP is not, in your own mind, considered to be un-American and subversive.

Mr. KESTENBAUM. Well, if I may, I will answer it this way: That the founders of our Constitution recognized, because of the nature of our Government, that perhaps at some future time certain opinions would be considered unpopular, minority opinions. And just because a person doesn't conform to the majority opinion that doesn't necessarily mean that he is subversive.

Perhaps 30 years ago a person before such a committee wouldn't admit to being a member of a trade union, because if he admitted being a member of a trade union he would be blacklisted like I am today.

And for this reason I inquired.

I want to know what is the purpose of these questions. And that is why I answer on my rights guaranteed me under the fifth amendment.

Mr. MOULDER. Proceed, Mr. Tavenner.

Mr. TAVENNER. Are you a member of the Communist Party at this time?

Mr. KESTENBAUM. I refuse to answer that under the first and fifth amendments.

Mr. TAVENNER. I have no further questions.

Mr. MOULDER. Any questions, Mr. Doyle?

Mr. DOYLE. No questions.

Mr. JACKSON. No questions.

Mr. SCHIERER. No questions.

Mr. MOULDER. The witness is excused.

Mr. TAVENNER. Mr. Sidney Greene.

Mr. MOULDER. You are Mr. Sidney Greene?

Mr. GREENE. Yes.

Mr. MOULDER. Hold up your right hand and be sworn. Do you solemnly swear that the testimony you are about to give before the committee will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. GREENE. I do.

TESTIMONY OF SIDNEY GREENE, ACCOMPANIED BY COUNSEL, MORTIMER VOGEL

Mr. TAVENNER. What is your name, please, sir?

Mr. GREENE. Sidney Greene, G-r-e-e-n-e.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record?

Mr. VOGEL. Mortimer Vogel.

Mr. TAVENNER. Of what bar?

Mr. VOGEL. Los Angeles, Calif.

Mr. TAVENNER. When and where were you born, Mr. Greene?

Mr. GREENE. I was born in New York City on May 17, 1913.

Mr. TAVENNER. Are you now a resident of Los Angeles?

Mr. GREENE. I am.

Mr. TAVENNER. How long have you resided in Los Angeles?

Mr. GREENE. On and off since 1940.

Mr. TAVENNER. What is your occupation or profession?

Mr. GREENE. Musician.

Mr. TAVENNER. Will you tell the committee, please, briefly what your formal educational training has been?

Mr. GREENE. I was educated in the public schools of New York. I attended City College of New York. At the age of 8 I started the study of the violin and music. At the age of 11 I won a citywide competition at Carnegie Hall. At the age of 14 I won a scholarship to a graduate school of music, one of the youngest ever to do so. In 1931, on a scholarship, I was sent to Europe, where I studied in France. I graduated Juilliard in 1932. And in 1936 I went to work for the St. Louis Symphony. In the summer of 1937 I worked with the New York Philharmonic. I joined the Los Angeles Philharmonic in 1941.

I enlisted in the Navy in 1942, and I served for 3½ years. Upon discharge, from the time I was discharged I have been working in the studios, from 1946 approximately.

I have attended the University of Southern California and have been attending the University of California at Los Angeles.

As a coincidence, one of the courses I have been taking is a course in American history, and it was prophetic that in this course we studied other periods of suppression. And I refer to the Salem witch hunts of 1692 and the period around the Alien Sedition Acts of 1798.

Mr. MOULDER. May I interrupt to inquire who was your instructor or professor in that course?

Mr. GREENE. I refuse to answer that question on the grounds of the first and fifth amendments.

I don't see that is pertinent, to involve the name of the instructor of a university into these hearings.

Mr. TAVENNER. Have you had any other courses of instruction since 1946?

Mr. GREENE. Excuse me a moment, sir.

(The witness confers with his counsel.)

Mr. GREENE. Mr. Tavenner, could you be more specific? That question is a little too general.

Mr. TAVENNER. I can't make it more direct than that. I just asked you if you have had any other courses of instruction.

Mr. GREENE. As far as music is concerned, Mr. Tavenner, students of music never stop studying.

Mr. TAVENNER. You were speaking of studying history. I was not speaking of music at that time. I am speaking of studies.

Mr. GREENE. Well, study—

Mr. TAVENNER. Have you studied Marxist theory with any group?

(The witness confers with his counsel.)

Mr. GREENE. I decline to answer that question on the basis of the first amendment, and I would like to state my reasons for doing so.

Mr. MOULDER. The amendment speaks for itself.

Mr. GREENE. I would also like to include the fifth amendment in declining to answer that question.

Mr. TAVENNER. According to the information available to the committee, you are in a position to have some knowledge of an organized group of the Communist Party between 1946 and 1948 composed almost exclusively of members of the musicians' profession.

Do you have any knowledge of such activities?

(The witness confers with his counsel.)

Mr. GREENE. I decline to answer that question, sir, or any other questions similar to it for the following reasons: the reasons I am going to state are in relation to the Constitution as it affects—

Mr. MOULDER. May I say, as for myself personally, I would rule that when a witness claims the protection of the first and fifth amendments or any reason of the Constitution, he could be given an opportunity briefly to state his reason in connection therewith. But most of the witnesses will prolong it by giving lengthy lectures about their reasons insofar as it enables the witness to condemn the committee.

However, the majority of the committee do not look at it as I do in that respect. Therefore, I would have to urge the witness merely to state his reasons for not answering.

Mr. GREENE. I must respectfully submit that I intend to be brief, with your cooperation and the committee's cooperation in not interrupting.

Mr. MOULDER. Until an objection is made I will so permit. I will state it that way.

Mr. GREENE. Thank you.

I decline to answer that question or any other questions similar to it for the following reasons:

It has been stated that the purpose of this committee is to investigate subversive propaganda, to help in the formulation of information to be used in drawing up legislation.

Now this committee and its predecessors have been functioning since 1938, and in all this time this committee has proposed no legislation to justify its avowed—

Mr. SCHERER. Wait a minute.

Mr. MOULDER. That is not true.

Mr. JACKSON. May a statement be made for the record at this time?

Mr. MOULDER. The chair recognizes Congressman Jackson of California.

Mr. JACKSON. This committee has during the course of the past few years suggested remedial legislation in over 40 instances. Of that number, all except 2 or 3 of the recommendations have been accepted by the House of Representatives and incorporated into existing law or into regulations of a Government agency.

Let's have the record absolutely straight.

So far as the remedial legislation aspect of the work of this committee is concerned, the committee has a number of recommendations now pending before the House of Representatives which will undoubtedly, in many instances, be incorporated into law.

Mr. DOYLE. Mr. Chairman, I am going to object to this man reading a speech. We have not allowed any other witness to read a speech. His very first statement is false information.

I am going to object to this witness being treated any differently than any other witness.

Mr. JACKSON. I support the gentleman.

Mr. MOULDER. Very well; the objection is sustained.

As I understand, your refusal in declining to answer is based upon the first amendment.

Mr. GREENE. Mr. Chairman and members of the committee, I am not reading from a speech. I am not a practiced public speaker, and,

because of the nature of this hearing, I have had to put my thoughts down so that I would be certain to remember all that I have thought of within these last 4 or 5 weeks.

Mr. MOULDER. We don't intend to argue with you about that.

As I understand, you decline to answer, giving as a reason for refusing to answer, the first amendment of the Constitution? Is that correct?

Mr. GREENE. That is correct, Mr. Chairman.

Mr. MOULDER. Let's proceed with the next question.

Mr. GREENE. Mr. Chairman, my name has been used in the publicity concerning this committee, and I think it only fair that the public and the members of my community be permitted to hear what I have to say as regards this publicity that was given me, unsolicited publicity.

Mr. DOYLE. May I say to the witness, your very first statement was absolutely false. Why should we let you sit there in the witness chair and make false statements about Congress?

Mr. GREENE. Mr. Doyle, these are my convictions.

Mr. DOYLE. That is a matter of fact that you were talking about.

Mr. GREENE. I may be mistaken. I may be mistaken, Mr. Doyle. If so, I have been corrected by Mr. Jackson.

Mr. JACKSON. As long as we are on corrections, let's make the second correction.

Any publicity which attended mention of your name in any publication must have come from you. It was not released by the committee.

Mr. GREENE. It was stated on the day that the news item appeared in the press that the names of the subpoenaed musicians would not be published until the day of the hearing.

On the very next day 22 names appeared in the newspapers.

Mr. JACKSON. I want to ask specifically whether any release has been made by the committee.

It is a matter I intend to inquire into further. It has been the policy of this committee—as far as I know, the policy has been followed—not releasing any names to the press. You can check yourself with the members of the press as to that policy. However, it will be inquired into further to determine the facts of the case.

Mr. GREENE. Mr. Jackson, I can only judge by what has happened.

Mr. MOULDER. Now you are being given an opportunity to appear before the committee to redeem yourself by refuting what you claim to be the inference that you might be a member of the Communist Party or engaged in subversive activities. You can do so very clearly and effectively by answering questions which will be propounded to you by counsel.

Let's proceed with the examination of the witness.

(The witness confers with his counsel.)

Mr. TAVENNER. As the record now stands, he has relied on the first amendment only.

Mr. MOULDER. That is correct.

Mr. TAVENNER. I think he should be directed to answer.

Mr. GREENE. If I may be permitted to answer the question that was originally directed to me, Mr. Chairman, I would like to continue my reasons for declining to answer that question.

Mr. MOULDER. You can readily understand what I mean by this.

You could probably speak on those reasons until midnight tonight.

Mr. GREENE. That is not my intention, Mr. Chairman. If I am not interrupted I venture to say this will take me perhaps three-quarters of a minute.

Mr. MOULDER. You understood my attitude by the statement I made earlier about giving lengthy speeches, and objection has been made by the committee members, and, therefore, I will have to sustain the objection and ask that you state any other reasons you may have other than the first amendment for declining to answer.

(The witness confers with his counsel.)

Mr. GREENE. It is my conclusion, Mr. Chairman, that, in view of the past history of this committee—

Mr. MOULDER. That is the very thing which we will not tolerate. I am very patient and understanding with everyone and will be respectful to every witness who appears before the committee. But I do not wish to sit here and be harangued, criticized, and insulted by witnesses who are subpoenaed by the committee.

Mr. GREENE. Mr. Chairman, if you are under the impression I seek to harangue the committee you are mistaken.

I just want to state my answers that I have had to prepare in anticipation of certain questions.

Mr. JACKSON. Mr. Chairman, I would suggest, in the interest of speed, that the witness be given a minute to complete his answer.

Mr. GREENE. Thank you, Mr. Jackson.

Mr. MOULDER. That was my original intention.

Mr. JACKSON. I will agree in the interest of speeding up the process.

Mr. DOYLE. I will withdraw my objection in favor of 1 minute.

Mr. MOULDER. Very well, proceed.

Mr. GREENE. The conclusion that I have drawn, gentlemen, is that the purpose of this committee is not to seek information actually, but it is to act as an instrument of repression, create an atmosphere of fear through the means of economic blacklist, in order to achieve conformity, to do away with difference of opinion, criticism, and free exchange of ideas.

Now culture cannot flourish in such an atmosphere. I have devoted my entire life to the pursuit of culture, and I would have no part in any effort to destroy it.

This committee, by its efforts, has created an atmosphere of fear which in time, if it is permitted to continue, will result in an arid cultural wasteland of our Nation.

Outstanding people in our community, such as Mrs. Chandler and a good number of the subpoenaed witnesses, have made a substantial contribution to the effort as regards cultural exchange. Now these efforts are being undermined by the very nature of this committee's work.

I further refuse to answer this question, gentlemen, on the basis of the fifth amendment to the Constitution, and I specifically refer to that part of the amendment which states that no one may be compelled to be a witness against himself.

Such a question is an infringement of my rights under that amendment.

I might remind this committee that there are many respected individuals who agree with this concept of the fifth amendment, and I refer to the majority decision that was just recently handed down—

Mr. JACKSON. I suggest that the minute is well exceeded, and that the committee has certainly done its part to permit the witness to express himself.

I shall object to any further discussion of the matter.

Mr. MOULDER. You may cite the case you are referring to.

Mr. GREENE. Thank you.

Mr. MOULDER. What was the case?

Mr. GREENE. The case was the Slochower decision where a Mr. Slochower—

Mr. MOULDER. Just cite the case.

Mr. GREENE. Slochower case.

Mr. MOULDER. Very well. Proceed with the next question.

Mr. TAVENNER. Mr. Greene, did you, at the suggestion of the Communist Party, take part in any planned registration in the Independent Progressive Party in 1946 or 1948?

Mr. GREENE. Mr. Tavenner, I refuse to answer that question on the grounds I have already cited.

Mr. TAVENNER. Did you, at the instance of the Communist Party, take part in any plan to circulate petitions?

Mr. GREENE. I refuse to answer that question on the basis of the first amendment supplemented by the fifth amendment.

Is it understood, gentlemen, that any—

Mr. MOULDER. To expedite the proceedings, if you state for the same reason it will be for the reasons previously claimed.

Mr. GREENE. This is understood by the committee?

Mr. VOGEL. Both the first and fifth.

Mr. MOULDER. Yes.

Mr. TAVENNER. Were you at any time a member of the West Valley Section of the Independent Progressive Party?

Mr. GREENE. I refuse on the same grounds.

Mr. TAVENNER. Are you a member of the Communist Party now?

Mr. GREENE. I refuse on the same grounds.

Mr. TAVENNER. I desire to offer in evidence, for identification only and to be retained in the committee's files, the following documents: Affidavit of registration of Sidney Greene, to affiliate with the Independent Progressive Party, bearing date the 9th day of August 1948, which I ask be marked "Greene Exhibit No. 1"; and affidavit of registration of Sidney Greene, to affiliate with the Independent Progressive Party of California, bearing date the 10th day of April 1950, which I ask be marked "Greene Exhibit No. 2"; affidavit of registration of Sidney Greene, to affiliate with the Independent Progressive Party, bearing date the 21st day of January 1951, which I ask be marked "Greene Exhibit No. 3"; and affidavit of registration of Sidney Greene to affiliate with the Independent Progressive Party of California, bearing date the 5th day of February 1952, which I ask be marked "Greene Exhibit No. 4"; a petition of the Independent Progressive Party circulated for signers, at the bottom of which is an affidavit bearing the date the 1st day of February 1948, in the name of Sidney Greene, showing that he was the circulator of the petition, which I ask be marked "Greene Exhibit No. 5"; and also petition No. 8042 of the Independent Progressive Party of California, signed on line 15 by Sidney Greene, bearing the date the 24th day of October 1947, which I ask be marked "Greene Exhibit No. 6"; and also a photo-

static copy of a membership card in the West Valley Club of the Independent Progressive Party, which I ask be marked "Greene Exhibit No. 7."

(Greene Exhibits Nos. 1-4, affidavits of registration, are similar to "Waddilove Exhibit No. 1," p. 3664. Green Exhibit No. 5, petition and affidavit, is similar to "Waddilove Exhibit No. 3," p. 3667.)

Mr. MOULDER. I would like to ask the witness this question: You have heard counsel refer to all of the exhibits mentioned, Nos. 1 to 7, inclusive. Do you wish to have the opportunity to examine any of the documents and exhibits mentioned and to explain or deny any of the contents contained in any of the documents?

Mr. GREENE. May I please consult with counsel?

Excuse me.

(The witness confers with his counsel.)

Mr. GREENE. If Mr. Tavenner wishes to present me with these exhibits I will then answer to his questions.

I would like—

Mr. TAVENNER. I would be very glad to present them to you and ask you whether or not the signatures of your name are your signatures.

Mr. GREENE. I would like to ask Mr. Tavenner before answering the question whether he is trying to impugn my patriotism for circulating a petition, for being a member of a recognized political party.

Mr. TAVENNER. At the instance of the Communist Party, yes, I am making that assertion, in light of the testimony that the committee has had here today, identifying you as a member of a group in the Communist Party which was directed to do the very things which these documents show were done by you.

Will you examine them and state whether or not you circulated the petition which bears your affidavit at the end of it? It is "Exhibit No. 5."

Mr. MOULDER. At this point may I make a statement in connection with your last question, responded to by Mr. Tavenner.

There isn't a member of this committee, or Mr. Tavenner or any member of the staff or anyone connected with us who denies the right of petition or to be affiliated with a legitimate political party.

The question was somewhat vague.

You take the position that it was a legitimate party. You are now being given the opportunity to clear yourself, to refute any inference which you referred to, by testifying in connection with these facts as to whether or not the Communist Party did dominate, or whether or not you had any knowledge of the Communist Party domination and influence, or whether or not you acted as an agent in so circulating the petition. You can give that explanation and clear yourself of any wrongful inference, and also clear any question concerning your patriotism or loyalty.

(The documents were handed to the witness.)

(The witness confers with his counsel.)

Mr. GREENE. Mr. Tavenner, and you, Mr. Chairman, are assuming many things I have not stated. I refuse—

Mr. MOULDER. The question probably should be rephrased to ask, Did you have any knowledge or information at the time this petition was circulated of any Communist Party subversive activities being connected with the petition?

(The witness confers with his counsel.)

MR. GREENE. I refuse to answer that question and Mr. Tavenner's question on the basis of the first amendment supplemented by the fifth amendment.

MR. TAVENNER. Will you examine the other documents handed to you, and state whether or not, in the instances where your name appears, if they are your signatures? Examine each one beginning with "Exhibit No. 1."

MR. GREENE. Mr. Tavenner, do you want an individual answer to each one? Or one answer to all?

MR. TAVENNER. You asked to see the documents and wanted to examine them.

MR. GREENE. I refuse to answer your question on the basis of the first and fifth amendments, to any and each of these documents.

MR. TAVENNER. Then you did not want them presented to you at all. Did you?

MR. GREENE. I wanted, yes, I did, to see the documents.

MR. TAVENNER. Will you examine each one of them, please and state whether or not you signed your name to those documents?

MR. GREENE. My answer is the same, Mr. Tavenner.

MR. TAVENNER. As to each document?

MR. GREENE. As to each document.

MR. TAVENNER. I have no further questions, Mr. Chairman.

MR. MOULDER. Any questions, Mr. Doyle?

MR. DOYLE. Yes; I have one.

Were you in the hearing room this morning when Mr. Waddilove testified?

MR. GREENE. I was, Mr. Doyle.

MR. DOYLE. Did you hear him, in answer to my question—

(The witness confers with his counsel.)

MR. DOYLE. May I ask my question, counsel, and let the witness hear my question, if you will.

You heard me ask him whether or not the Communist Party took the initiative to organize these petitions and circulate them in order to create, if they could, the IPP as a Communist front.

Did you hear me ask that question and subsequent questions?

MR. GREENE. I did, Mr. Doyle.

MR. DOYLE. You heard Mr. Waddilove's answer that the IPP actually was a Communist front. Did you hear him answer that way? Was he telling the truth or was he telling a falsehood?

MR. GREENE. I will not dignify this individual, Mr. Doyle, by making any comment on his testimony, and I refuse to answer that question on the same grounds I have already stated.

MR. DOYLE. We are often confronted with criticism that we don't give people an opportunity in a hearing to defend themselves or to answer statements about the Communist Party, and I assume from your statements to us that you might like to answer this question. I want you to understand that I am one of the Congressmen from California who believes absolutely in the right of petition and to the effect that we should not question the political allegiance of a duly, legally constituted political party in California.

But our questions to you, sir, in this field go to the point that not only did Waddilove testify, but we have many, many others who tes-

tified heretofore that the IPP was in fact known to the circulators—such as you—of these petitions as a Communist front.

Now if we knew that these petitions were not being circulated by you to qualify the IPP as a legally constituted party in California, but, in fact, as a Communist front, then I question your patriotism at that time. I want to say, too, that you talked about culture a minute ago. In my book we don't need the Soviet culture in this country. We just need our own American culture.

When it comes to patriotism and loyalty to the Stars and Stripes we need that in preference to the culture that I think you were talking about.

(Representative Donald L. Jackson left the hearing room at this point.)

(The witness confers with his counsel.)

Mr. DOYLE. That is all, Mr. Chairman.

Mr. VOGEL. There is a question pending, I believe. Isn't there a question?

Mr. DOYLE. No. He and I were just having a little conversation.

Mr. GREENE. Mr. Doyle, under different, nonecompulsive circumstances, I would be more than happy to discuss this with you. I don't think this is the proper atmosphere or proper place.

Mr. VOGEL. Do I understand the other question was withdrawn, the question propounded by Mr. Doyle?

If there isn't any, for the sake of the record, let it show.

Mr. MOULDER. Is there a question pending from you, Mr. Doyle?

Mr. DOYLE. I will withdraw it. He and I understand each other.

Mr. MOULDER. Very well.

Mr. SCHERER. Mr. Greene, how are you presently employed?

Mr. GREENE. As of today, Mr. Scherer, I have been employed at Metro-Goldwyn-Mayer as a violinist.

Mr. SCHERER. How long have you been employed by Metro-Goldwyn-Mayer?

Mr. GREENE. Five years, Mr. Scherer. I might state that I don't expect to be tomorrow.

Mr. SCHERER. Up to this point you have been employed steadily for 5 years?

Mr. GREENE. That is so.

(The witness confers with his counsel.)

Mr. SCHERER. I believe before that you played with the St. Louis Symphony Orchestra, the New York Philharmonic Orchestra, the Los Angeles Philharmonic; did you not?

Mr. GREENE. Yes.

Mr. SCHERER. You have been steadily employed for quite some time?

Mr. GREENE. Yes, which I think is a reflection on my ability, sir.

Mr. SCHERER. You said you were blacklisted.

Mr. GREENE. Not as of today, sir. I hope it doesn't take place. I would like very much to remain a musician and practice my profession.

Mr. DOYLE. I would like to see you remain.

In the first part of your testimony you said under oath that you had been blacklisted. I made a note of that.

Mr. GREENE. I don't think the transcript would corroborate that.

Mr. DOYLE. It will show you stated, "I am a blacklisted musician." I wrote it down.

Mr. SCHERER. I wrote the same thing down. I want to know when you were blacklisted.

(The witness confers with his counsel.)

Mr. GREENE. Mr. Scherer, from the past experience that people have had and witnesses have had with this committee, it has unfortunately been true that they—

Mr. SCHERER. Now—

Mr. GREENE. I will answer you, Mr. Scherer—that they have been blacklisted when they refused to cooperate with this committee. I am hoping that this practice is going to change.

Mr. SCHERER. Who does the blacklisting? Who blacklists you?

Mr. GREENE. Well, the employer—

Mr. SCHERER. Let us get it straight first.

You have not been blacklisted as you said you were in your opening testimony?

Mr. GREENE. I didn't say that, Mr. Scherer. You are confusing this with the testimony of the previous witness.

Mr. MOULDER. Very well, let us go back to the beginning of the testimony of the witness.

Mr. SCHERER. He said it.

Mr. DOYLE. Let's have the reporter read it.

Mr. GREENE. I think Mr. Scherer is confusing the testimony of the previous witness.

A VOICE. It was a previous witness. I heard it.

Mr. MOULDER. We will suspend the proceedings, and the reporter will read the beginning of the testimony of this witness.

(Whereupon, the reporter read from his notes as follows:)

"Mr. TAVENNER. What is your occupation or profession?

"Mr. GREENE. Musician."

Mr. DOYLE. Then I am in error, and wish to acknowledge it. I see here my note is under Milton Kestenbaum instead of under Greene.

I extend apologies.

Mr. SCHERER. You said musicians had been blacklisted just now.

Mr. GREENE. Many witnesses have been; musicians, actors.

Mr. SCHERER. Who blacklists them?

Mr. GREENE. The employer through the pressure that this committee exerts upon them.

Mr. SCHERER. Can you give us the names of any who have been blacklisted?

(The witness confers with his counsel.)

Mr. GREENE. I refuse to answer that question on the basis of the first and fifth amendments.

I refrain from naming names, Mr. Scherer.

Mr. SCHERER. I ask you to direct the witness to answer.

Here is a charge that employers have blacklisted witnesses.

Mr. GREENE. There are transcripts of the records of the hearings of this committee of many people who have been compelled to appear before it who are no longer practicing their profession as a direct consequence of being subpoenaed before this committee, Mr. Scherer.

Mr. SCHERER. Is it a direct consequence of their being subpoenaed before this committee or is it because their Communist Party membership was disclosed?

Mr. GREENE. I refuse to answer that question, Mr. Scherer, because it would incriminate me, and I refuse on the basis of the first and fifth amendments.

Mr. MOULDER. Were you born and reared in this country as a natural-born American citizen?

Mr. GREENE. I was.

Mr. MOULDER. Are you married?

Mr. GREENE. I am, sir.

Mr. MOULDER. How long did you serve in the Armed Forces?

Mr. GREENE. 3½ years.

Mr. MOULDER. In the event of a conflict or war between Russia and this country would you again willingly, sincerely, conscientiously serve in the Armed Forces of this country?

Mr. GREENE. I would defend my country against any aggressor.

Mr. MOULDER. In the event of a war you would fight for your country?

Mr. GREENE. I would, sir.

Mr. MOULDER. Right or wrong?

(The witness confers with his counsel.)

Mr. GREENE. Mr. Chairman, you asked me in the event of war against this country. I stated that I would fight against any aggressor against this Nation.

Mr. SCHERER. Suppose, in your opinion, this country was the aggressor? Would you fight for this country?

(The witness confers with his counsel.)

Mr. SCHERER. I noticed you qualified your statement by saying that in any event you would fight if this country were not the aggressor.

Mr. GREENE. My own feelings, Mr. Scherer, are that these Congressmen, myself, we all good Americans are going to fight for peace. They are not concerning themselves with war.

Mr. MOULDER. May I proceed with my questions.

As stated by Mr. Scherer, the question that comes about is that you might, in the event of war between Russia and the United States, arrive at an opinion that we were the aggressor and not Russia; and it might be my opinion that we were defending our country from aggression.

Mr. GREENE. Mr. Chairman, this question is very hypothetical.

Mr. MOULDER. You are bitterly complaining about the possibility that you might lose your——

Mr. GREENE. I don't think hypothetical questions have a place in these hearings.

Mr. MOULDER. You are complaining about the possibility that you might lose your position of employment. I think it is a shame and a pitiful situation that because a man of your talent, your background and your ability as a great artist and a musician—and you and musicians such as you have made great contributions to our country in that connection—that merely because you come here and appear before this committee you lose your employment. That is a deplorable situation which I oppose, and all of us on this committee discourage and oppose.

Please. We will have no more demonstrations.

Now you have an opportunity to clear and redeem yourself, and you have been reluctant so far to take advantage of this opportunity. That I regret very much.

Mr. GREENE. I question, Mr. Chairman, the need or the basis for stating that I have to redeem myself. I don't agree.

Mr. SCHERER. Were you a member of the Communist Party during the time you were in the Army?

Mr. GREENE. I have answered that question.

Mr. MOULDER. No; you didn't answer that question.

Mr. GREENE. I refuse to answer that question on the basis of the first and fifth amendments.

Mr. MOULDER. Are you now a member of the Communist Party or a member of any subversive activity?

Mr. GREENE. I refuse for the same reason, sir. And before—

Mr. DOYLE. May I just make this one observation: We as American Congressmen are in this position:

Our United States Congress has declared, on several occasions, that the Communist Party in the United States is part and parcel of an international conspiracy. That is clear, isn't it? You know that, don't you, Mr. Greene? I am sure you know that.

(The witness confers with his counsel.)

Mr. DOYLE. Not only that but our highest courts have declared, time and again, that the Communist Party in America is a part and parcel of the international Communist conspiracy to eventually take over economic and social control of the world.

Mr. GREENE. Mr. Doyle, the highest courts have also judged that the practice of imputing a sinister meaning to the exercise of a person's constitutional right under the fifth amendment—they have condemned this practice.

Mr. DOYLE. All right, we agree with the Court's decision. We follow it.

But my point is this:

When you talk about patriotism we are in this position: Congress has declared the Communist Party to be an illegal conspiracy against the American form of government. Our courts have so declared. And yet the American citizens claim that we as American Congressmen are doing an injustice when we, at the direction of the United States Congress, hold these hearings to try and uncover the Communist conspiracy which our Congress and which our courts have found to exist, in order that we might better legislate to protect our Nation and our children against the Soviet-Communist conspiracy.

That is what you are doing when you try to confuse this committee. We are bound by a patriotic duty and an official duty to the American citizen to follow the instruction of the United States Congress.

You and I also know that the Communist Party in California today instructs its members to plead the amendments; right or wrong, to plead them. I know that is the instruction. I am not imputing anything to you. I am just saying that we also know a few things.

Mr. GREENE. Mr. Clark also stated, Mr. Doyle, a witness—

Mr. DOYLE. We have the full text of that decision.

Mr. GREENE. Mr. Clark—

You have had your opportunity, Mr. Doyle, to tell me what you think. I think it only fair to permit me to answer you.

Mr. MOULDER. I think you are right.

Mr. DOYLE. Go ahead. I have argued with you.

Mr. GREENE. I am reading from the Herald-Examiner—

Mr. DOYLE. What date? What decision?

Mr. GREENE. The Slochower decision, Mr. Doyle. April 10, 1946.

Mr. DOYLE. That is the New York school case, April 9, 1956.

Mr. GREENE. That is right, Mr. Doyle.

Mr. DOYLE. We are familiar with that decision.

Mr. GREENE. Mr. Clark stated:

The privilege against self-incrimination would be reduced to a hollow mockery if its exercise could be taken as equivalent either to a confession of guilt or a conclusive presumption of perjury. A witness may have a reasonable fear of prosecution and yet be innocent of any wrongdoing. The privilege serves to protect the innocent who otherwise might be ensnared by ambiguous circumstances.

Mr. DOYLE. We agree with that. That is the law. But the rank and file of the Communist Party in California do not agree with that. They choose to disobey the pronouncements of the Supreme Court except when they choose to.

Mr. GREENE. I think the decision speaks for itself.

Mr. DOYLE. Sure it does. We agree with that.

Mr. SCHERER. I can't say that I agree with Mr. Justice Clark. I will put myself of record.

Mr. MOULDER. Let us have order in the hearing room, please.

I only have one more question to ask you. If you were granted immunity by this committee, would you then answer the questions that have been propounded to you?

Mr. GREENE. That, too, is a hypothetical question.

Mr. MOULDER. You will wait until you come to that bridge before you cross it; is that your answer?

Mr. GREENE. I refuse to answer that question, Mr. Chairman, on the basis of the first and fifth amendments.

Mr. MOULDER. The witness is excused. Call the next witness.

Mr. TAVENNER. Mr. Paul Powell.

Mr. MOULDER. Do you solemnly swear the testimony which you are about to give before this committee will be the truth, the whole truth, and nothing but the truth, so help you, God?

Mr. POWELL. I do.

**TESTIMONY OF PAUL POWELL, ACCOMPANIED BY COUNSEL,
ARTHUR A. BROOKS, JR.**

Mr. TAVENNER. What is your name, please, sir?

Mr. POWELL. My name is Paul Powell, P-o-w-e-l-l.

Mr. TAVENNER. Will counsel accompanying the witness please identify himself for the record.

Mr. BROOKS. Arthur A. Brooks, Jr., Beverly Hills.

Mr. TAVENNER. Mr. Powell, you have been identified as a member of a group of the Communist Party composed of musicians. The committee has learned from testimony that this group of the Communist Party was advised to take an active part in the work of the Independent Progressive Party in California.

Let me ask you first whether you were a member of such a group of the Communist Party?

Mr. POWELL. Sir, I refuse, I decline to discuss my union with this committee, primarily. And I go along with the thinking of President Philip Murray, of the CIO, who made a very clear statement about your status when he said that you are the friend of the enemies of labor.

Mr. MOULDER. You can't accuse me of that. I have voted for every labor bill that came into Congress.

Furthermore, counsel did not ask you a question about unions or the particular union of which you are a member.

Therefore, I wish you would be responsive to his question and answer it or decline to answer for such reason as you may care to give.

Mr. POWELL. Well, sir, I decline to answer, but I thought I should give some reason for my declination.

Mr. TAVENNER. It is a rule of the committee that you may state any legal grounds, but not argumentative grounds.

Mr. POWELL. I refuse to discuss my union with this union-busting—

Mr. MOULDER. No one is inquiring about your union.

Mr. POWELL. The question was asked me about my union.

Mr. MOULDER. No; it was not.

Mr. BROOKS. I believe he misunderstood the question.

Will counsel restate the question?

Mr. TAVENNER. My question was whether or not the identification of you as a member of the Communist Party group composed of musicians was true.

Mr. POWELL. I decline to answer that question on the basis of the first supplemented by the fifth amendment.

Mr. MOULDER. Very well.

Mr. TAVENNER. Did you receive directions from the Communist Party to participate in a plan to assist the Independent Progressive Party of California in various ways?

Mr. POWELL. The same answer to the same question.

Mr. TAVENNER. Are you a member of the Communist Party now?

Mr. POWELL. I decline to answer that question on the following grounds—and I want to call your attention to one thing, sir—

Mr. TAVENNER. It will be quite adequate for you to state on the grounds previously assigned.

Mr. POWELL. You will find my grounds are both legal and proper.

I want to remind you there is more than one way of throwing the receiver. In other words, I can tell you the legal and proper grounds in my own way. I want the privilege. May I have it?

Mr. MOULDER. If it is not a long discourse.

Mr. POWELL. No; I think it is to the point.

I decline to answer your question on the following grounds, that your question in itself is an invasion of my right to speak out without fear of reprisal against such things as the 80-percent unemployment in my union and the unconscionable exploitation of the musicians while billions upon billions of dollars are being made by the juke box industry.

Further—

Mr. TAVENNER. This is not at all responsive.

Mr. MOULDER. It is totally unrelated to the question. I beg you to be more cooperative in responding to the question by answering it or declining to answer for constitutional or legal reasons.

Mr. POWELL. I believe I said that my right, there was an invasion of my right to speak out. I am talking about a basic concept which you are very well familiar with.

Mr. MOULDER. This is not a forum to speak out your concepts.

You are directed to answer the question. You are being given an opportunity to answer the question. The Chair directs you to answer it, and also warns you that in your refusal to do so, and by constantly avoiding answering the question by going into a discourse about some other subjects foreign and unrelated to the question, that you might be endangering yourself and making yourself liable for contempt proceedings.

Therefore, I urge you again to respond to the question by answering it or declining to answer it for legal reasons. You are represented by counsel who can advise you on that point.

Mr. POWELL. Sir, may I ask you this question:

When I talk about the right to speak, to assemble, and associate I think I am on proper and legal grounds.

Mr. DOYLE. You pleaded your amendment. That is all you have to do, just plead the amendment. That gives you the constitutional protection, Mr. Powell.

Mr. POWELL. Repeat the question, sir.

Mr. TAVENNER. Are you a member of the Communist Party now?

Mr. POWELL. I decline to answer that question on the following grounds, that the question is an invasion of my right to associate with those who are trying to raise the standards of musicians, with those who have worked to bring a Negro and white local together in a true expression of democracy and an example to the world at large that not all Americans are like Senator Eastland.

I decline to answer your question on the basis of the first and fifth amendments.

Mr. DOYLE. That is sufficient.

Mr. TAVENNER. I desire to offer in evidence, Mr. Chairman, a photostatic copy of an affidavit of registration of Paul Powell, bearing date of March 10, 1948, in which it is stated that he intends to affiliate with the Independent Progressive Party of California, and ask that it be marked "Powell Exhibit No. 1."

I also offer in evidence an election petition for the Independent Progressive Party of California, with 50 names thereon, at the end of which is appended an affidavit over the name of Paul Powell, bearing date the 7th of February 1948, in which it is stated that he solicited the signatures on this petition, and I ask that it be marked "Powell Exhibit No. 2."

Mr. MOULDER. Without objection, it is so ordered.

(Powell exhibit No. 1 is similar to Waddilove exhibit No. 1, p. 3664, and Powell exhibit No. 2 is similar to Waddilove exhibit No. 3, p. 3667. These exhibits will not be reproduced in the printed record. They are on file in the committee's records.)

Mr. TAVENNER. I now desire the two documents, exhibits 1 and 2, be handed to the witness for his examination.

(The documents were handed to the witness and his counsel.)

(The witness confers with his counsel.)

Mr. TAVENNER. Will you examine them, please? My question now is whether or not the name Paul Powell on each of the exhibits was signed by you.

Mr. POWELL. Sir, I believe there is an inalienable right involved here, the right to petition any Government body. And you must agree that this is a basic concept. I believe every American should have the right to petition.

Mr. MOULDER. That is exactly right. Therefore, are you going to deny—

Mr. POWELL. Therefore, I decline to answer this question of yours on the basis of the first and fifth amendments, because I feel that your question is an invasion of that right.

Mr. DOYLE. Mr. Powell, we have plenty of sworn testimony that these petitions, such as the one with your name on it, were circulated at the instance of a Communist Party cell in Los Angeles. Not admitting you circulated the petition, although your name is on it, may I ask, did you hear anyone tell any of the people who signed it that the Communist Party cell was circulating it in order to create the IPP a legal party?

Mr. POWELL. I decline to answer that question, sir, on the first and supplemented by the fifth.

Mr. DOYLE. Did you tell any of the people who signed it with you that this petition was being circulated at the instance of a Communist Party cell in Los Angeles?

Mr. POWELL. The same answer, sir.

Mr. DOYLE. That is all, Mr. Chairman.

I just wish to make this observation:

I am satisfied that, even though 11,000 people in Los Angeles signed these petitions—the total number—that only a very, very small fraction of those 11,000 people had a ghost of an idea—they had no idea that this petition was to create another Community Party front.

Mr. POWELL. Congressman, may I say something?

Mr. DOYLE. That they were being circulated by Communist Party members.

Mr. POWELL. Congressman Doyle, I have explicit faith in the good sense of the American people to choose or reject any philosophy, any creed, to their best advantage.

Mr. DOYLE. So do I if they have the truth and the facts, but not any other way; not when the truth and facts are concealed from them. They are in no position to act intelligently unless they know what the truth is.

When you circulated this petition, you did not give them the facts. That is what I criticize you for.

Mr. MOULDER. Any further questions?

Mr. TAVENNER. No, sir.

Mr. MOULDER. Any questions, Mr. Doyle.

Mr. DOYLE. No.

Mr. MOULDER. Any questions, Mr. Scherer?

Mr. SCHERER. Just this:

Witness, you declined to answer Mr. Tavenner's question, as to membership in the Communist Party, by pleading the first amendment, saying that under the first amendment you had the right to associate with whomsoever you pleased.

Mr. POWELL. I thought I pleaded the first and fifth, sir.

Mr. SCHERER. You also pleaded the fifth, I understand. You did that.

But you did plead the first amendment, saying, as one of your grounds for refusal, that you had the right to associate with whomsoever you pleased.

Do you conceive that the first amendment of the Constitution gives you the right to associate yourself and be a party to an organization that advocates the overthrow of the Government of the United States by force and violence, if necessary?

Mr. POWELL. Are you finished, sir?

Mr. SCHERER. Yes.

Mr. POWELL. I would like to tell you this, that this committee has created and subscribed to a magnification and exaggeration of the threat to the security of our country to such an extent beyond all reasonable proportion where the people have become fearful to express themselves. I think this is a very dangerous thing when people start looking over their shoulders and guarding every word they say.

You have created something which, in effect, is undermining the very thing you say you are upholding.

Mr. SCHERER. Let me go back.

The Congress—not this committee but the Congress as a whole, the Supreme Court and the circuit court of appeals and a number of district courts—have said that the Communist Party in this country, as Mr. Doyle said before, is not a political party as we know political parties, but it is part and parcel of an international Communist conspiracy dedicated to the overthrow of all non-Communist countries by force and violence, if necessary.

You refused to answer Mr. Tavenner's question as to your membership in the Communist Party because you said that the first amendment gives you the right to associate with whomsoever you please.

Now my question was—and you have not answered it—whether you believe that the first amendment gives you the right to membership in the Communist Party, an organization which is dedicated to the overthrow of this Government and all the governments of all non-Communist countries, by force and violence if necessary. And you conceive the first amendment gives you that right of association?

Mr. POWELL. I am here under compulsion.

Mr. SCHERER. I understand that.

Mr. POWELL. I decline to answer that question on the basis of the first and fifth amendments.

Mr. SCHERER. When you plead the first amendment in refusing to answer Mr. Tavenner's question, you, in effect, say that you interpret the first amendment of the Constitution as giving you the right to associate with the Communist conspiracy.

Now the first amendment obviously does not give you that right.

Mr. MOULDER. Any further questions?

Mr. SCHERER. No.

Mr. TAVENNER. I have no further questions.

Mr. MOULDER. The witness is excused.

Mr. TAVENNER. Mr. Chairman, may I suggest that you announce that all other witnesses subpoenaed for today return here by noon tomorrow, the afternoon session tomorrow.

Mr. MOULDER. All persons in the hearing room heard the announcement by counsel.

The Chair repeats that announcement, that all witnesses who were subpoenaed for attendance here today before the committee are requested to appear here in the hearing room for appearance before the committee tomorrow afternoon at 1:30 p. m.

The committee will stand in recess until 9:30 a. m. in the morning.

(Whereupon, at 5:25 p. m., Monday, April 16, 1956, the committee was recessed, to be reconvened at 9:30 a. m., Tuesday, April 17, 1956, Representatives Moulder, Doyle, and Scherer being present at the taking of the recess.)

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